



WILLIAM HOFFNER.

HOFFNER, ESQ. R.A.

Published Oct 26, 1899, by T Cadell & W Davies, Strand, London.

A
HISTORY
OF
THE POLITICAL LIFE

OF
THE RIGHT HONOURABLE
WILLIAM PITT;

INCLUDING
SOME ACCOUNT OF THE TIMES IN WHICH HE LIVED.

BY JOHN GIFFORD, Esq.

IN THREE VOLUMES.

NEC SIBI, SED TOTI GENITUM SE CREDERE MUNDO.—*LUCAN.*

VOL. I.

London :

PRINTED FOR T. CADELL AND W. DAVIES, STRAND;
By W. BULMER and Co. Cleveland Row, St. James's.

1809.

DEDICATION.

TO THE
RIGHT HONOURABLE
EARL SPENCER,

Knight of the Garter,

&c. &c.

MY LORD,

IN dedicating these volumes to your Lordship, I shall, at least, be exempted from the imputation of interested motives ; since rich, pre-eminently rich, as you unquestionably are, in honour and integrity, you have neither places to distribute, nor power to confer. As the political friend of Mr. Pitt, who, at a most critical period of his public life, sacrificed your personal prepossessions to your country's good ;—who, having become his colleague, took an active, conspicuous, and honourable, share in all the great and prominent measures of his administration ;—who joined him in stemming the torrent of revolutionary principles, which threatened to overwhelm the venerable fabric of our Constitution, and to shake the very foundations of the social edifice ; who braved, with him, the sneers of the envious, the calumnies of the disaffected, and the threats of the common enemy ;—who always did justice to his character, while living ;—and, who paid the last tribute of respect to his memory, when dead ;—there seems a peculiar propriety, My Lord, in dedicating, to your Lordship, this faithful, though feeble, sketch of his Political Life.

Happy, My Lord, to embrace so appropriate an occasion for giving a public testimony, as well of my respect for the integrity, correctness, and gentlemanly attention,* which invariably marked the

* Earl Spencer, when in office, extended his vigilant and active superintendence to every object within the sphere of his department ;—he was always easy of access, suffered no application to remain without an answer, and never sunk the *Gentleman* in the *Minister*.

honourable discharge of your official duty, in every situation in which you was placed, as of my esteem for the virtues which uniformly distinguish your conduct in private life ; it would ill become me to subject your Lordship to the charge of an implied approbation of all the principles and opinions which these volumes exhibit. On some points, and those not unimportant, I am fully aware, My Lord, that our opinions materially differ ; and, proud, as I should be, of a cordial concurrence with your Lordship, on every question, as well of practical policy, as of general principles, I know I should incur your contempt, were I base enough to establish it, by a surrender of that mental independence, of which your Lordship is, at once, an excellent judge, and a signal example.

If, in this work, I have expressed strong sentiments, the subject will be found, to have called for, and, consequently, to have justified, them.—If I have spoken with freedom of public characters, I have only asserted that liberty which they exercised themselves, with this difference, that I have never used it but for public purposes, whereas they often employed it for personal objects ; and I have carefully confined it within legitimate bounds, while they carried it to an unwarrantable and dangerous excess.—If I have inferred *motives* from *conduct*, I have adopted the only criterion by which the intentions of men can be tried, and the only means of deriving those instructive lessons, which it is the main object of history to communicate, and its peculiar province to impress.—I have endeavoured to state facts with fidelity ; and, if I have drawn deductions from them illogical, inconclusive, or false, they must have proceeded from an error in judgment, which, with the premises before him, the reader will have no difficulty to correct. Anxious, above all things, for the establishment of truth, I have pleaded her cause with earnest zeal and sincere devotion ; nor have I been deterred from enforcing her precepts by any motives of a personal nature, by the desire of conciliating favour, on the one hand, or by the fear of giving offence on the other.

I may, possibly, My Lord, be supposed, by some readers, to have entered more largely into the affairs of Foreign States, than was ne-

cessary for the apparently limited subject of my Work : but your Lordship must be sensible, that it was impossible to disconnect the great measures of Mr. Pitt's administration from the concerns of the Continent, to which so many of them had an immediate relation ; or to convey a just estimate of the former, without impressing a right understanding of the latter.—And as, in the cursory view of transactions abroad, I have been enabled to correct many misrepresentations which had been industriously circulated at home, I trust your Lordship will concur with me in the opinion, that the course which *I* have pursued, while it is perfectly consistent with the plan of my Work, is the best calculated to afford information, and to promote truth.

It is to me, my Lord, a matter of serious and deep regret, that this task has not devolved on some one more competent, in many respects, than myself, to do justice to the subject ; and that the difficulty which, in a greater or less degree, must always occur in writing the history of contemporary times, should be enhanced by a disregard of the potent consideration, that delicacy to individuals should ever be made to yield to the public good. While I am greatly indebted to the free and open communications of some distinguished persons, I have reason to complain of the apathy and reserve of others ; and, according to my sense of public duty, their notions respecting it are very erroneous, who think it no breach of it to withhold any information tending to elucidate facts which may instruct, or to correct errors which may mislead, the public mind.

Fortunately, however, for the historian, the circumstances and transactions of Mr. Pitt's administration are not locked up in the Cabinet, or confined within the bosom, of any individual ; they have all been subjected to public analysis, and submitted to public discussion.—He has, in fact, been the historian of his own measures, the expounder of his own principles, and the herald of his own deeds. Mr. Pitt's actions required no subterfuge to disguise, no artifice to conceal, them ;—the

Nil conscire sibi, et nullâ pallascere culpâ,

was the true characteristic of his feelings. With the pride of conscious

integrity, he solicited investigation, and courted publicity. In his luminous and comprehensive Speeches in Parliament, he has explained his motives, and unfolded his views, his objects, and his designs ; and has thus, by the supply of an invaluable fund of materials, greatly facilitated the labour of his Political Biographer, which might, indeed, be said chiefly to consist in the proper use, application, and arrangement, of those materials.

I may, then, without presumption, express my belief, that your Lordship will not perceive, in these volumes, either any superfluous matter, or any important omission ; and that, whatever cause of disapprobation you may find in the opinions, you will not discover the slightest ground of censure in the perversion of facts.

I have the honour to be,

MY LORD,

With the greatest respect,

Your Lordship's most faithful,

and most obedient Servant,

JOHN GIFFORD.

London,
March 1st, 1809.

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Published Oct. 26. 1839, by T. Cadell & W. Davies, Strand, London

THE POLITICAL LIFE OF MR. PITT.

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Cursory View of the State of Europe—American Rebellion—Hostile disposition of the European powers to Great Britain—Armed Neutrality—Treacherous Enmity of the Dutch—Asiatic League against the British power—Acts of Outrage in the Capital of England—Mr. Pitt's birth—his Education—his entrance into Parliament—his first Speech on Mr. Burke's proposals for an economical reform—Dissolution of the Ministry—Lord Rockingham, Premier—Mr. Pitt's refusal to come into office—Motives of that refusal—Death of Lord Rockingham—New Ministry—Mr. Pitt Chancellor of the Exchequer—Negotiations for Peace—Mr. Pitt defends the Address to the Throne—his answer to Mr. Burke—Mr. Fitzherbert sent to Paris—Conclusion of Peace—Terms of the Peace censured by the Opposition—Coalition between Lord North and Mr. Fox—reprobated by Mr. Pitt—Debates on the Peace—Declaration of Principle by Mr. Pitt—The Ministers left in a Minority—Ministerial Interregnum—New Ministry—The Duke of Portland, Premier—Mr. Pitt's Motion for a Reform in Parliament—his notions of the duty of Representatives—his motion for a Reform in the Public Offices—Close of the Session.

It has often been observed, that, in the political progress of kingdoms and states, there is a certain point of elevation, beyond which they cannot advance; but from which they must, as if impelled by the controlling hand of Providence, upraised to defeat the ambition, and to chastise the presumption, of man, descend, step by step, towards their decline, until they reach the lowest point of depression; until every vestige of their former greatness is effaced, and until rank, character, and independence are destroyed. The observation, however, is more specious than solid; and the events which have, both from ancient and from modern history, been adduced in its support, might, it is apprehended, be fairly traced to causes, which the wisdom of man might have foreseen, and his exertions have averted. Be this as it

may, the observation was applied to the state of Great Britain, at the peace of 1762; when this country was supposed, by the prophetic politicians of the day, to have attained, through the skill and the valour of her successive statesmen and officers, that point of elevation, in the scale of political greatness, beyond which every effort to pass would prove fruitless, and from which she must, of necessity, recede; and the events which marked the period, at which this history commences, were confidently alluded to, as satisfactory proofs, that these desponding predictions were in the course of accomplishment.

In fact, at this period, the political hemisphere did not present a very favourable aspect. In our American colonies rebellion, encouraged by success, had hoisted the standard of independence; and the complete separation of the United States from the mother country was considered as an event, not only likely to be produced, but impossible to be prevented; while this impending dismemberment of the empire was regarded, both in a political and in a commercial point of view, as fraught with the most disastrous consequences. It would not be consistent with the plan of this history, to mark the origin, or to trace the progress, of the American rebellion; nor yet to point out the deficiency of wisdom in the formation of plans, the still greater want of skill, discretion, and vigour, in the execution of them, or the other efficient causes which contributed to the failure of every attempt to suppress it; and, ultimately, to crown the arms of the rebels with success.

The rebellion had, before this period, reached that point of maturity which encouraged the European enemies of Great Britain, who had observed its progress with all the vigilance of envy, to afford every possible assistance to the insurgents. Blinded by present interest to future consequences, and disregarding the fatal contagion of example, France had, at length, thrown off the mask, concluded a treaty with the rebels, and sent fleets and armies to their support. Her powerful interposition speedily produced its expected effect; a British army, of nearly six thousand men, and fifteen hundred seamen, with a number of ships and transports, of various descriptions, had been surrendered, at York Town, to an united force of French and of rebels; and all

hopes of success, in the further prosecution of the contest, were thus defeated.

Spain, too, had followed the example of France ; and almost all the European powers had either taken an open part in favour of our enemies, or were employed in devising secret, or indirect means, for the promotion of their hostile views. Russia, having settled her dispute with the Turks, and put an end, by the peace of Teschen, to the contest between Prussia and Austria, respecting the succession to the electorate of Bavaria, which had nearly extended the flames of war over the whole of Germany, had placed herself at the head of a maritime confederacy, the object of which was, to destroy one of the effects of the naval superiority enjoyed by Great Britain. She engaged Sweden, Denmark, and Holland, in her plan ; and the alliance was consolidated by a treaty, concluded at Copenhagen, on the 19th of July, 1780, under the false denomination of the ARMED NEUTRALITY. The unlimited protection of neutral trade, of whatever description, was the avowed purpose of this confederacy ; under which was included the supply of warlike stores, of all kinds, to any of the belligerent powers. The parties, indeed, professed their determination not to carry on any contraband trade ; but, as they were to be the sole judges of what was to be considered as contraband articles, no security was afforded by such a profession. They pledged themselves, too, to resist every attempt to search them, contrary to their own will and pleasure. And, in this novel arrangement, they regarded the existing law of nations as nothing ; and *natural right* as their paramount plea, by which they were to silence all opposition. They respectively engaged, not only to support each other in the exercise of these assumed privileges ; but, in the event of interruption in their proposed trade, without immediate redress, to have joint recourse to reprisals.

There is no one principle of the law of nations more self-evidently just, than that which sanctions the right of a belligerent power to prevent any neutral state from supplying his enemy with naval and military stores. To provide an enemy with the means either of attack or of resistance, or to augment the means already in his possession,

is, in fact, as much an act of hostility, as the actual supply of ships or of troops; and, consequently, would justify reprisals as much. A treaty, then, which had for its object the protection of such an illicit commerce, bore internal marks of a hostile disposition, which its professions of amity were ineffectual to conceal. And, as the source whence naval stores, in particular, are drawn, in the north of Europe, exposed the ships which bore them more immediately to the attacks of the British Navy, no room was left for doubt, as to the real intention of the contracting parties to inflict a serious injury on this country.

Holland, however, had afforded more unequivocal testimony of her hostile spirit. She had, from the beginning of the American rebellion, given secret assistance to the Insurgents; and, in proportion as the latter became more successful in their efforts, the former became more open in her proffers of friendship, in her protection, and in her succours. In her harbours, prompted alike by native avarice, and by commercial envy, she afforded a safe asylum to the rebel flag; and even allowed the American pirates to dispose of the fruits of their plunder. In short, both in Europe and in America, the enemies of Great Britain found steady friends in the Dutch, who were always ready to supply them with warlike stores, and with every article of which they stood in need. Regardless alike of the law of nations, and of specific treaties, they employed an armed force to resist our right of search, although exercised in the precise mode prescribed by the treaty of 1674; treated with contempt the remonstrances of our ambassador; and not only refused to supply those succours which, by the treaty of 1716, they were bound to furnish to Great Britain, but actually negotiated a treaty of amity and commerce with our rebellious Colonists. Conduct so decidedly aggressive could not, without a dereliction of honour, and a silent confession of fear, be viewed with indifference by the British government. Satisfaction was demanded of the Dutch; and, that not being obtained, the British ambassador was ordered to withdraw from the Hague, and both nations prepared for active hostilities.

In *Asia* the flames of war had begun to rage with unusual fury.

Fomented by the intrigues, and combined by the artifices of France, a powerful confederacy of the native princes of India had been formed, for the avowed object of expelling the British settlers from the country. The means seemed adequate to the end. Hyder Ally, the most able and experienced of all the native chieftains, was placed at the head of this hostile league. He poured into the Carnatic with an immense force, bore down all resistance, took the capital of Arcot by assault, and even alarmed the British government for the safety of Madras. With a happy combination of skill, genius, and courage, Hyder appeared destined to accomplish the mighty project which he had conceived; and the fate of British India seemed suspended by a thread.

At home, a desperate mob, headed by a mad enthusiast,* professing alarm for the security of the Protestant church, but actuated solely by a wish for anarchy, and by the hope of plunder, had, in the preceding year, endeavoured to controul the parliament, set all government at defiance, rendered the capital a scene of violence and conflagration, and threatened the dissolution of the social system. Had this infuriate rabble been conducted by an artful and designing demagogue, such as Europe has since produced in abundance, not only the prisons, but the repositories of the national securities, the public stores of arms and ammunition, the courts of justice, and the palace of royalty, had been destroyed, and the kingdom brought to the very verge of ruin. Happily, the evils resulting from the weakness of civil magistracy were, at length, repaired by the tardy vigour of government. Tranquillity was restored, guilt punished, and the empire of the laws re-established. A dreadful lesson, however, had been taught to the mob; they had learned the awful secret of their physical efficacy; and it was justly to be apprehended, that, on some future occasion, with zeal more tempered by prudence, and effort more directed by judgment, they might be led to display a spirit, which it might be more difficult to subdue, and to make attempts, which it might be more difficult to resist.

[1781.] It was at this period, and under these circumstances, that Mr. Pitt made his first entrance into public life. He was the second

* Lord George Gordon.

son of the Earl of Chatham ; and was now in his twenty-second year, having been born on the 28th of May, 1759. He had been educated at home, till the age of fourteen, during which time Dr. Wilson (afterwards Canon of Windsor) was his tutor ; but, as may easily be supposed, his illustrious father superintended his education with a vigilant eye, and marked, with anxious solicitude, the progressive attainments of a mind, which, at a very early period, had displayed strong indications of the bounty of nature, and afforded great promise of future excellence. At an age when, with the generality of youths, much, indeed, remains to be learnt at school, Mr. Pitt was found fully qualified for the university ; and, accordingly, as soon as he had completed his fourteenth year, he was entered at Pembroke Hall, Cambridge ; where he had the good fortune to obtain, for his tutor, Dr. Prettyman, the present Bishop of Lincoln. During his residence at college, he was distinguished alike for the closeness of his application, and for the success of his efforts, in rendering himself master of those subjects to which his studies were particularly directed. Nor was he less remarkable for the regularity of his conduct, and for his strict attention to that discipline which is not more necessary for a military than for an academic life.

He was intended both for the bar and for the senate ; and his education was, of course, so regulated as to embrace both these objects. Indeed, to speak correctly, a legal and a political education ought to be nearly the same ;—for it is impossible for a man to become an able politician, without an intimate knowledge of the legal history of his country ; nor can any one become an able lawyer, without being perfectly conversant with its political history. It is also of essential importance to a right formation of either, or of both, of these characters, to obtain a full and accurate knowledge of the origin, progress, and decline of ancient states, and of the laws and constitutions of modern kingdoms—with their interests, their government, and their policy. His proficiency in all these branches of study was considerable ; the quickness of his conception rendered the acquisition easy ; while the interest which he took in them made the impression permanent. Where the thirst for knowledge is great, the means of attainment are facilitated ; and hence, that which is not to be acquired by a mind not

feeling such thirst, without intense labour, is attained by the mind which acknowledges its influence, with comparatively little trouble. Mr. Pitt's stay at college was unusually long; nor did he leave it until his mind was as perfectly formed as it could be by theory, unaccompanied with the advantages of experience.

Soon after he quitted the university, he was called to the bar, and went the western circuit *once*. His success, during this short experiment, was amply sufficient to encourage him to pursue his legal career; and to render him certain of obtaining all the wealth, and all the honours, which await the able and industrious labourers in the vineyard of the law. But he was destined to pursue a different, and a nobler path;—not to devote his superior talents to the indiscriminate defence of right and wrong; but to appropriate his endowments, both natural and acquired, to the high purposes of framing laws for the government of a free state—of taking an active part in the regulation of her destinies—and even of directing all her moral and physical resources to the preservation of her character, the security of her welfare, the promotion of her prosperity, and the consolidation of her grandeur. Before he had completed his twenty-second year he was returned (on the 23d of January, 1781) member for the borough of Appleby; and, on the twenty-sixth of the following month, he made his first speech on Mr. Burke's motion for an economical reform in the civil list. On this occasion, the attention of the House was rivetted on the youthful orator, who, totally unembarrassed by the novelty of the situation in which he had been so lately placed, but for which he had been so long, and so sedulously, prepared, delivered himself with an ease, a grace, a richness of expression, a soundness of judgment, a closeness of argument, and a classical accuracy of language, which not only answered, but exceeded, all the expectations which had been formed of him. He took the same side in debate with the opposition, because it probably appeared to him to be the right side; but without becoming a member of the party. He followed the example of his father, in early and strongly expressing his reprobation of the principles on which the American war had been undertaken, and, with much more reason, though not with more warmth, on the manner in which it had been conducted.

He continued to vote with the opposition during the whole of that session of parliament.

[1782.] Early in the spring of the following year, the ministry, assailed on all sides, and unfortunate in all their operations, found themselves unable to resist the incessant attacks of their political opponents, and the failure of all their measures ; and, wisely making a virtue of necessity, resigned their offices in the month of March ; when Lord Rockingham was appointed prime minister, and Lord Shelburne and Mr. Fox secretaries of state ; while Lord Thurlow, though generally disliked by both parties, was suffered to retain his situation as chancellor. An offer was made to Mr. Pitt to include him in the new arrangements ; but, by the exercise of a sound discretion, operating on an acute and penetrating judgment, he refused the proffered honours, so flattering to his youth ; justly conceiving, that the discordant materials of which the new ministry was composed afforded but little hopes of its permanency ; and still less room for useful exertion, to one who was the tool of no party, but whose ambition had, for its ruling principle, and for its grand object, the service of his country. The event fully verified the fears, and justified the expectations, of the youthful statesman. In little more than four months, the death of the premier dissolved the ministry ; when those obstacles to his acceptance of an important situation, which had influenced his rejection of the former offer, being removed, Mr. Pitt was, on the 10th of July, appointed chancellor of the exchequer ; Lord Shelburne being first lord of the treasury ; and Mr. Fox, Mr. Burke, and Lord John Cavendish, with other, subordinate, members of the Rockingham party, having again returned to their former stations in the ranks of opposition.

Thus, before he had completed his twenty-fourth year, and in less than eighteen months after he had been returned to parliament, was Mr. Pitt raised to a situation of eminence and power, which by most would have been considered as a rich reward for many years of political strife, and parliamentary warfare. But Mr. Pitt, impressed with a just sense of his own comprehensive faculties and attainments, had early resolved to accept no subordinate situation under any minister ;

a resolution in which he had, no doubt, been encouraged to persist, by the consideration that, in any inferior office, the sphere of his exertions would, of necessity, be extremely circumscribed; and his opportunities for usefulness be proportionately abridged. He was not, however, by this consciousness of his own fitness for a superior station, led to indulge any vain or presumptuous hopes of thus early obtaining it. He betrayed no forwardness of pretension, no impatience of power; but continued to discharge his duty in parliament, independent of party, until he was called upon by his sovereign to fill such a station, and found that he could obey the call with a fair prospect of rendering useful service to the country, the situation of which was by no means encouraging. All our attempts to subdue the rebellious colonists in America had, from the joint operation of ministerial weakness, and opposition violence, proved abortive. Most of our colonial possessions in the West Indies had been reduced by the French; the principal powers of Europe had, as before shewn, through the arts and intrigues of our enemies, become hostile to our cause; and overtures for peace, which had been made by the late ministry, through Mr. Thomas Grenville, who had been dispatched to Paris for the purpose, were received with coldness, and treated with neglect.

Peace, however, appeared to be considered, by all parties, except Lord North and his friends, as the sole remedy, as well for the evils which really did exist, as for those imaginary dangers and calamities which were indebted for their birth to the heated imagination, and interested minds, of political zealots. To such a pitch, indeed, had this *pacific furor* been carried, that the House of Commons had actually fettered the hands of the Crown, and by a resolution, most unwise and impolitic, at least, if not *unconstitutional*, had declared all persons, who should advise, or by any means attempt, the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force, *enemies to his Majesty and the country*. Certain it is, that, during the progress of that war, rebellion had met with her most able advocates in an assembly of men, bound, by the most sacred ties, not only to discourage, but to

reject and to destroy her, wherever she may rear her blood-stained front.

It formed, therefore, a natural part of the political system of the new administration to pursue, with activity, the negotiations for peace; and accordingly, in the speech delivered from the Throne, soon after their appointment, the public were apprised that such negotiations were considerably advanced. The address, however, though the speech contained promises of speedily adopting all those reforms, and all those economical plans, the necessity for which had long been enforced, with equal zeal and perseverance, by all the opposers, and the successors, of Lord North, met with considerable opposition from many of the same individuals. The matchless eloquence of Mr. Burke was displayed, in all its plenitude of richness, and of strength, upon this occasion, though certainly not tempered by that sound discretion, and that sober judgment, which, at a subsequent period, rendered it at once the pride of his country, and the admiration of the world. In the present instance, the House, and the public, saw, with astonishment, the indiscretion of age corrected by the prudence of youth. With a serious and impressive air, Mr. Pitt most truly reminded the veteran orator, that that was a moment for seriousness, and not for mirth; that the gay flowers of a brilliant and exuberant fancy were proper for their season—for hours of jollity and recreation. He declared, that he should be happy to share in the delights of that fertile imagination, which had so long been the wonder and the pleasure of the House; but he could not consent to indulge himself in admiring “the beautiful motes which people the sun-beam,” when his mind was occupied with objects so serious and important, as those now before the House; nor could he approve of the indiscretion of that wit, which so unseasonably ran away with the good sense and sober judgment of the honourable gentleman. He was as willing as any man to unbend his mind, and to indulge in the recreation of the theatre; but it was only in the theatre, and in circles of amusement, that sober men would choose to give a loose to imagination, and to abstract their minds from all business and reflection. He rose, therefore, to bring

back the House to sobriety and seriousness; and to tell them, that that was neither a fit time, nor a proper subject, for the exhibition of a gaudy fancy, or the wanton blandishments of theatrical enchantment; it was their duty and business to break the magician's wand, to dispel the cloud, beautiful as it was, which had been thrown over their heads, and to consider, solemnly and gravely, the very perilous situation of the country; and, by the force of their united wisdom, abilities, and experience, endeavour to rescue the kingdom from its difficulties, by the restoration of an honourable peace. He was sorry that he could neither accept the many compliments which Mr. Burke had paid him, nor yet thank him for them, as they were accompanied with animadversions of such a nature, that only the elegance of that gentleman's genius could save them from being ridiculous. All such playful exercises of his talent for the gay and the ludicrous, he should treat with the same neglect with which all sober men would treat them; and all compliments paid to him in such a style, he should never think himself bound to acknowledge. That Mr. Burke's character of the Speech from the Throne, in regard to the matter and manner, would be admitted by the House, he could not believe; because he could not believe that they would consent to call that Speech a farrago of hypocrisies and absurdities, which they had unanimously approved, and for which they had, *nemine contradicente*, agreed to present his Majesty with an address of thanks. That his Majesty's serious admonitions to his Parliament should be branded with such epithets; that his feelings, on so serious a subject as the dismemberment of his empire, should be outraged; that his Speech, delivered with all the sacredness of royalty, should be charged with mockery, hypocrisy, and even profaneness, were things which he did not expect to hear; and which nothing could palliate, but the circumstance of their being the overflowings of a mind, the richness of whose wit was unchecked, for the time, by its wisdom and consideration. Mr. Pitt then proceeded, in a strain of seriousness well suited to the occasion, to defend the sentiments avowed in the Speech; and concluded, by observing, that he knew not whether Mr. Burke meant to insinuate that he would be guilty of equivocation, when he solemnly stood up as a minister, in that house, and gave an explicit answer to a question explicitly put to him; but he

trusted, from his hitherto-unimpeached character, that the House would not, in candour, suppose him to be capable of any such base and scandalous duplicity, till they had proof of his guilt;—when they should be satisfied that he was guilty, then should he expect their detestation; but if it was now meant to impute any such charge to him, he should only say, that the imputation had, if it might be permitted to a young man to say so, to one so much older than himself, his scorn and his contempt. If he had deceived the House in this instance, he deserved to be considered as no longer fit to be trusted in any degree. He pledged his honour, that he would never sacrifice his veracity, nor be a party to a fraud, for any poor and inadequate advantages which he could reap from his continuance in a station, for which he did not think himself qualified.

This spirited conclusion carried with it irresistible force. The *mens conscia recti*, which afterwards supported Mr. Pitt so often against the pressure of adverse circumstances, and the weight of calamity, gave spirit and animation to his language, on his first entrance into public life, and impressed every impartial hearer with the fullest conviction of his sincerity. No division was attempted on this address; the respective parties were not yet prepared for a trial of parliamentary strength; nor had the opposition assumed that degree of force and consistency which it afterwards acquired. Besides, as the conclusion of peace was an event daily to be expected, they thought it better to reserve themselves for that occasion, when they hoped to have some stronger grounds of resistance to ministers, than their conduct had hitherto afforded.

Mr. Grenville having removed those obstructions which are generally found to impede the first overtures for a negotiation for peace, Mr. Fitzherbert, the British envoy at Bruxelles, had, soon after the accession of the new ministry, been sent to Paris, to open and conclude a treaty of peace, with the ministers of France, Spain, and Holland. A Mr. Oswald, a merchant, had been likewise appointed a commissioner to treat with the American commissioners for the same purpose. The treaty with the latter was brought to a speedy conclusion;

for, indeed, there was nothing left to treat about, except the settlement of boundaries, and the fate of the loyalists—the House of Commons having previously so far assumed the right of the executive government, as to preclude the continuance of the war, and, by a necessary consequence, to forbid any farther dispute respecting the professed object of the war—the independence of America. The loyalists were *recommended* to the revolutionary government of their country, from whose humanity they had little, and from whose justice they had less, to expect. The recommendation proved futile, and the expense of indemnifying those faithful subjects for the sad effects of their fidelity to their lawful sovereign, was left to the mother country to defray.

[1783.] On the twentieth of January peace was concluded with France; and a preliminary treaty signed with Spain. The terms were as favourable as, under all the relative circumstances of the two countries, could reasonably be expected. Still, when these were submitted to parliament, in the following month, they gave rise to very long and animated debates. That Lord North, and his friends, who had uniformly resisted the grant of independence to the rebellious colonists of America, should oppose a treaty in which that grant was ratified and confirmed, was naturally to be expected; but that Mr. Fox, and his associates should, who had so long been clamorous for peace, without the smallest regard to the sacrifices by which alone it could be obtained, was a matter for surprise to those who referred such clamours to principle, and not to the spirit of party. Mr. Pitt ably availed himself of this advantage, afforded him by the conduct of his political opponents, to whose recollection he, very properly, called those resolutions of the preceding session, by which ministers were bound to recognize the independence of America; and which, consequently, had deprived them of the advantage-ground in the negotiation. He reminded them also of an application which had been made to the Dutch, by Mr. Fox; an application couched in terms, to his feeling, more degrading than any concession in the present treaty. He asked them, if they had already forgotten the language of that day, when they were told that we must have peace *on any terms*; peace for a year, for a day; just to give us a little breathing-time?—Were they to be told, that times and

circumstances were so completely changed, in the short period of a few months, that what would have been desirable then, would not be so now? Yes, the circumstances were materially changed; for these opinions were given, and these assertions made, when Mr. Fox was in office, and when the task of making peace was likely to fall on his own head. This was the change; this was the grand alteration of circumstances which had taken place, and which now called for different conditions. That gentleman was now no longer in place; he was no longer responsible for the terms, and, therefore, the circumstances were changed.

The first symptom of any concerted union, or regular plan of co-operation, between the opposite parties of Lord North and Mr. Fox, whose avowed principles had been radically different for many years, and whose enmity, particularly with regard to the latter, had been carried to the extremes of personal rancour and invective, appeared in the course of this debate. Not that there was any thing inconsistent in the conduct of Lord North, in his opposition to the peace; not that the peace was opposed, on similar grounds, by both parties; but, from the harmony and communication which evidently subsisted between them, and also from a studious forbearance on either side to express or to insinuate any thing which could be disagreeable to the other, it was perfectly clear, that the coalition, which had for some time been suspected, had actually taken place. At the close of his speech, Mr. Pitt alluded to it, in terms of merited severity, and of just reproach. He called it an unnatural alliance, to be reckoned among the wonders of the age. It was not easy to reconcile such an event to any common rule of judging of men. It stretched to a point of political apostacy, which not only astonished so young a man as he was, but, apparently, surprised and confounded the most veteran observers of the human heart.

The perpetuation of political animosity among the ablest men of the day, would, no doubt, be an act of folly in itself, and of great injustice to the country. And it would be the height of weakness to deprecate all union of men, who may, even on great and leading ques-

tions, have voted in opposition to each other. The sacrifice of personal animosity to public good, is a grateful tribute at the shrine of patriotism; and, where the motive is honourable, the deed is highly praiseworthy. But, on the other hand, where political characters have not merely differed in opinion, and in debate, on particular topics of high importance, but have carried on a systematic warfare, for a series of years; have opposed each other upon *every* question, and upon *every* principle; and have imposed no restraints, either of decency, or of truth, on their mutual reproaches; their sudden coalition, for the purpose of driving their common adversaries from the seat of power, in order to occupy it themselves, becomes exposed to just and heavy suspicions. In the present instance, the motive was too glaring to be mistaken. Mr. Fox had endeavoured to support himself in office, as a member of the Rockingham party, but had, by the death of his leader, found himself deprived of that influence, which was essential to his continuance in power. He, therefore, rather chose to make overtures to his former political enemy (whom he had succeeded in displacing), with a view to the recovery of his lost station, than to remain the leader of a barren opposition. The feeling of the country was highly adverse to this coalition, which was generally considered as monstrous, and reviled as unprincipled. And, to say the truth, it tended to sap the basis of political morality, and to shake the confidence of the public, in the public characters of the age. Its effect, however, in the House of Commons was immediately, and powerfully, felt. After a debate, which continued during the whole night, a division took place, in which there appeared a majority of *sixteen* against the ministers;—two hundred and twenty-four having voted for the amendment, and only two hundred and eight against it.

The discussion was renewed on the twenty-first of February, when Lord John Cavendish, who was called the father of the coalition, and who had moved the former amendment, submitted a series of resolutions to the House, strongly censuring the conditions of the peace, as much too favourable to the enemy, but expressing a determination to adhere to them, in order to preserve the public faith inviolate.

On that resolution, which conveyed a censure on the peace, a long and vehement debate ensued ; led, on the one side, by Mr. Fox, and, on the other, by Mr. Pitt. Now again the men who had repeatedly pressed on the House, and on the country, the necessity of concluding a *peace on any terms*, did not blush to reprobate the present peace in the strongest terms which indignation could suggest, or eloquence supply. Mr. Pitt, in his answer to Mr. Fox, adverted to the *consistency* which marked that gentleman's conduct, who, because he was prevented from prosecuting Lord North to the satisfaction of public justice, had said, he would embrace him as his friend. So readily did he reconcile extremes, and love the man whom he wished to persecute. With the same spirit, it was supposed, he would cherish the peace because he abhorred it ! But the sentiments which Mr. Pitt, with equal animation and sincerity, advanced, respecting his own motives, and the ground of his conduct on this occasion, are entitled to particular notice, as they invariably governed his actions through the whole of his political life. In allusion to Mr. Fox, he declared, that the triumphs of party, with which that self-appointed minister seemed so highly elate, should never betray *him* into any inconsistency, which the busiest suspicion should presume to glance at. He would never engage in political enmities without a public cause. He would never forego such enmities without the public approbation, nor would he be questioned and cast off by one virtuous and dissatisfied friend. These, he said, were the sober and durable triumphs of reason over the weak and profligate inconsistencies of party violence ; these, the steady triumphs of virtue over success itself, should be his not only in the situation in which he then stood, but through every future condition of his life ; triumphs which no length of time should diminish ; which no change of principles should ever sully.

These were evidently the sentiments of a mind impressed with a powerful feeling of conscious integrity, asserting its own independence, and relying on its own innate strength. Mr. Pitt then defended the peace, not from a consideration of its immediate provisions, distinctly and separately viewed, but on a more broad and comprehensive basis

—the relative strength and resources of the respective powers at war. He entered into a justification of Lord Shelburne, regarding the motion as a personal attack upon his Lordship; to wound whom, he averred, was the object which had raised the storm of faction, was the aim of the unnatural coalition which had just taken place. “If, however,” said he, “the baneful alliance is not already formed, if this ill-omened marriage is not already solemnized, I know a just and lawful impediment, and, in the name of the public safety, I here forbid the hanns.” In adverting to his own share of the censure which the motion went to inflict on the aggregate body of ministers, he declared he should bear it with fortitude, because his own heart told him he had not acted wrong. To that monitor who never had deceived, and who, he trusted, never would deceive him, he would confidently repair, as to an adequate asylum from all the clamour which interested faction could raise. He had not been very eager to come in, and he should have no great reluctance to go out, whenever the public were disposed to dismiss him from their service. It had been the great object of his short official existence, to discharge the duties of his station with all the ability and address in his power, and with a fidelity and honour which should bear him up, and give him confidence, under every possible contingency, or disappointment. He could, with sincerity, assert, that he never had a wish, which did not terminate in the dearest interests of the nation. At the same time he avowed, with Mr. Fox, that he too had his ambition. High situation and great influence, were desirable objects to most men, and objects which he was not ashamed to pursue, which he was even solicitous to possess, whenever they could be acquired with honour, or retained with dignity. On those respectable conditions, he was not less ambitious to be great and powerful, than it was natural for a young man to be, with such brilliant examples before him. But even these objects he could relinquish, the moment his duty to his country, his character, and his friends, should render such a sacrifice indispensable. Then he hoped to retire, not disappointed, but triumphant; triumphant in the conviction that his talents, humble as they were, had been earnestly, zealously, and strenuously, employed to the best of his apprehension, in promoting the truest

welfare of his country ; and that, however he might be charged with weakness of understanding, or error of judgment, nothing could be imputed to him, in his official capacity, which bore the most distant relation to an interested, a corrupt, or a dishonest intention. He then, explicitly disclaimed all systematic opposition to the government, avowing his opinion, that it is of little consequence of whom it was composed, but of the greatest importance that it should be conducted with firmness, ability, and judgment. And to those who should so conduct it, he promised his uniform and steady support.

Towards the close of his speech, Mr. Pitt took occasion to repeat, that he had ever been most anxious to do his utmost for the interest of his country ; it had been his sole concern to act an honest and upright part ; and he was disposed to think, that every instance of his official department would bear a fair and honourable construction ; with such intentions, he had ventured forward on the public attention ; and he appealed, with confidence, to both sides of the House, for the consistency of his political conduct. His earliest impressions were in favour of the noblest and most disinterested modes of serving the public ; these impressions were still dear, and would, he hoped, ever remain dear, to his heart ; he would cherish them as a legacy, infinitely more valuable than the greatest inheritance. On these principles he had come into parliament, and into place, and he called the whole House to witness, that he had not been under the necessity of contradicting any one public declaration which he had ever made. His conclusion breathed the same animated spirit of manly virtue, and disinterested patriotism. “ You may take from me, Sir, the privileges and emoluments of place, but you cannot, and you shall not, take from me those habitual and warm regards for the prosperity of Great Britain, which constitute the honor, the happiness, the pride of my life ; and which, I trust, death alone can extinguish. And, with this consolation, the loss of power, Sir, and the loss of fortune, though I affect not to despise them, I hope I shall soon be able to forget :—

“ *Laudo manentem; si celeres quatit*

“ *Pennas, resigno quæ dedit*——

—*probamque*

“ *Pauperiem sine dote quæro.*”

The ministry were left in a minority, the resolutions of Lord John Cavendish being carried by 207 against 190, a majority of *seventeen*. The necessary consequence of this division, by which it appeared that the confidence of the House of Commons was withdrawn from the ministers, was, that his Majesty must either resolve upon a dissolution of Parliament, or choose a new administration. In the present state of political parties, the latter expedient was deemed most advisable. But some difficulties occurred in the new arrangements, which created a delay by no means pleasing to the minds of the late opposition: and though it was natural to suppose, that when men who had opposed each other, for a long term of years, and who had repeatedly and solemnly pledged themselves to principles, and to measures, diametrically opposite in their nature, as in their tendency, came to form a ministry, a degree of jealousy, and a mutual wish for the ascendancy, would create obstacles to expedition, not very easily surmounted. The delay which appears to have excited uneasiness, in the minds of their adherents, produced two motions, in the House of Commons; one by Mr. Coke, on the 24th of March, and another by the earl of Surrey, on the 31st of that month, the object of which was to accelerate the conclusion of the new arrangements. On the first of these motions, Mr. Pitt made some remarks on the coalition, which are worthy to be recorded in the page of history. He observed, that some people could reconcile it to their minds, to part with their old principles, and to adopt new ideas; however such sentiments might agree with tried constitutions, and long practical habits, *he* was yet too young to change his opinions, and to conform his ideas to the tide of interest, or to the prevalence of party. He had formed one opinion, one great principle, by which his conduct was to be regulated; and it had taken such deep root in his heart, that he could not erase it. Gentlemen, he said, talked of forgiving animosities, and of altering their political opinions with as much ease as they could change their gloves; that what they reprobated to-day, they were justified in applauding to-morrow; and those whom they

hated, disdained, and hooted at, in the morning, it was honourable, patriotic, and conscientious, that they should take to their bosom in the evening. This was a maxim, as yet a stranger to his heart. He could not coalesce with those whose principles he knew to be diametrically opposite to his own; because, if they changed to his opinion, he could not depend upon them; and, if he changed to their's, he must be conscious that he was acting against his honest judgment. Parties formed on such a basis, he truly remarked, could never long continue. There might be a seeming coalition of sentiment, with the coalition of interest; but men who had come to years of discretion, and who well knew how such political marriages were made, would pay very little respect to the oath, by which they were bound, whenever they found it their interest to depart from it. A similarity of ideas, he added, on the authority of the Roman orator, was requisite to make friendship permanent,* and, without that similarity, there could not be either public or private coalition that would last. He therefore felt the necessity of an explicit declaration, that he could not bring himself to adopt the same mode of reasoning as was held in justification of the grand coalition, and that his principles were such as were not adapted to times like the present.

On Lord Surrey's motion, which declared that, as no administration had been formed, the *interposition of the house* had become necessary,† Mr. Pitt took occasion to defend the lawful prerogative of the crown, against what he considered as an unconstitutional interference; he reprobated the language and style of the motion as indecent, and the spirit of it as aiming at the very dissolution of the government of the country.—And he justly inferred, that, if the most undoubted, the most constitutional, the most necessary prerogative of the crown were to be wrested from it, or that, if any thing like an interference of the House of Com-

* Mr. Pitt did not allude to Cicero; but the sentiment which he expressed is the same which that orator advanced in his Treatise De Amicitia.—“Id in quo est OMNIS VIS AMICITIÆ voluntatum, studiorum, sententiarum summa consensio.”

† This motion was so strongly disapproved, that his Lordship was induced to withdraw it, and to substitute one, much more decorous, in its stead.

mons, indicative of such an intention, ever took place, there would be an end of the constitution, and of the very political existence of the country. This was true constitutional doctrine; and it is the peculiar duty of a member of parliament to prevent, as far as he can, every attempt to confound the distinct functions of the crown, and of its great councils.—The executive, and the deliberative functions are separated by the constitution, as are the executive and the judicial; and no interference of either with the other, can be suffered without imminent danger to the whole fabric. Every effort to restrain the freedom of parliamentary discussion should be as sedulously guarded against, as every attempt to impose restrictions on the undoubted right of the sovereign to choose his own servants, should be firmly resisted.

The *interregnum*, however, in the ministerial sovereignty, lasted from the twenty-first of February, the day when the minister was left in a minority, to the second of April, when the formation of a new ministry was formally announced.—It consisted of the following characters; the Duke of Portland, First Lord of the Treasury; Lord North, Secretary of State for the Home Department; Mr. Fox, Secretary of State for the Foreign Department; Lord John Cavendish, Chancellor of the Exchequer; Lord Viscount Keppel, First Lord of the Admiralty; Lord Viscount Stormont, President of the Council; the Earl of Hertford, Chamberlain; the Earl of Carlisle, Lord Privy-Seal; the Earl of Dartmouth, Steward of the Household; Lord Viscount Townshend, Master-general of the Ordnance; Mr. Burke, Paymaster of the Forces; Mr. Charles Townshend, Treasurer of the Navy; Mr. Fitzpatrick, Secretary at War; Mr. Wallace, Attorney-general; Mr. Lee, Solicitor-general; and Messrs. Sheridan and Richard Burke, Secretaries to the Treasury. Lord Mansfield was made Speaker of the House of Lords; and the Great Seal was entrusted to three commissioners, Lord Loughborough, Sir William Ashurst, and Sir Beaumont Hotham. The Earl of Northington was sent as viceroy to Ireland; with Mr. Windham for his Secretary, and Mr. Eden, as Vice-treasurer.

Mr. Pitt now found himself again placed in the situation of a private member of parliament; professing attachment to no party; but resolved to perform his duty, by a conscientious promotion of the public welfare. He had, in the preceding year, called the attention of the House to the actual state of the representation of the Commons of England; and had strongly contended for the necessity of some reformation; he did not, however, specify what species of reform he thought best calculated to remedy the existing evil, but contented himself with proposing the formation of a committee, to whom the whole of the subject should be referred. This proposition was then rejected by a majority of *twenty* only. Now, that his mind was unoccupied by official business, he resolved to bring forward the measure again, but in a more definite form. He, accordingly, on the same day in the present year, the seventh of May, submitted to the House three resolutions: First, That it was the opinion of the House, that measures were highly necessary to be taken for the future prevention of bribery and expense at elections. Second, That, for the future, when the majority of voters for any borough should be convicted of gross and notorious corruption, before a select committee of that House, appointed to try the merits of any election, such borough should be disfranchised, and the minority of voters not so convicted, should be entitled to vote for the county in which such borough should be situated. Third, That an addition of Knights of the Shire, and of representatives of the metropolis, should be added to the state of the representation.

This was certainly a less objectionable mode of proceeding than the appointment of a Committee, without any specific or limited object, but to which a latitude of inquiry was to be allowed, that would, of necessity, occupy the time and attention of the members, for no inconsiderable part of the session. In the present case the whole scope and tenour of the proposition were opened to every eye, and reduced to the level of every understanding. And of all the plans of reform which had been in contemplation, at that period, this was unquestionably the least exceptionable. To the two

first propositions it was natural to suppose, that little or no opposition would be made ; for as it was notorious that the practice of bribery at elections had existed to a considerable extent, it was the bounden duty of the House to provide some adequate means of preventing, in future, the continuance of such destructive corruption ;—and it was difficult to conceive a better or more efficacious means of prevention, than the disfranchisement of boroughs, which should, after such notice, be convicted thereof. The proposal, too, to increase the number of county members, and of the members for the metropolis, was as little objectionable as any proposal could be, which had for its object an increase of the existing number of representatives. But had the measure been deemed advisable by the House, it would, it is conceived, have been conformable with the principles of the constitution, to reduce it into the shape of a bill, that so important an alteration in the system of representation, might have all the weight and consequence of an act of the whole legislature. As the power of enfranchising boroughs is vested, by the constitution, in the crown, the right of disfranchisement cannot consistently be exercised without the interference, or at least, without the consent, of the crown. The resolutions, however, were all rejected, after a long and able discussion, by a majority of *one hundred and forty-four*.

This debate afforded Mr. Pitt an opportunity of explaining his notions of the nature and duty of the representatives of the people. His idea of representation was stated to be this, that the members once chosen, and returned to parliament, were, in effect, the representatives of the people at large, as well of those who did not vote at all, as of those by whose suffrages they were actually seated in the House. On this principle he could not consent to an innovation founded on doctrines subversive of liberty, which, in reality, went so far as to say, that no House of Commons ever had been a true and constitutional representation of the people ; for no House of Commons had yet been elected by *all* the men in the kingdom. The country had long prospered, and had even attained the very summit of glory, though this doctrine of universal suffrage had never been embraced ; and he hoped that no one would ever introduce it into the

laws of England, or treat it in any other light than as a mere speculative proposition, that might be good in theory, but which it would be absurd and chimerical to endeavour to reduce to practice. He also declared his repugnance to adopt the proposition, which had been urged by many for the abolition of *rotten boroughs*, which he considered as deformities which disfigured, in some degree, the fair fabric of the constitution ; but which he thought could not be removed, without endangering the whole pile. These sentiments were very different from the wild speculations of the visionary reformers of the day ; and, as experience has since proved, that an increase of the number of representatives is not productive of those inconveniences which were expected to result from it, it may, perhaps, be wished, that Mr. Pitt's experiment had been tried. It is certain, however, that at a subsequent period of his life, when he had had full opportunity for maturing his judgment, by study, reflection, and experience, Mr. Pitt's opinion of this proposed innovation had undergone a total change ; and that he became convinced, that, whatever plausible objections might be urged, that is, plausible in *theory*, against the insufficiency of the existing system of representation, the parliament contained as great a portion of the united talents, integrity, and knowledge, of the country, as could possibly be collected together, by any improvement in the mode of election which ever had been, or which ever could be, proposed, and that as much practical good was produced by such a parliament, as could be expected from any other assembly, however chosen.

Before this session of parliament closed, Mr. Pitt brought in a bill founded on certain promises in the King's speech, the object of which was to effect a reform in the principal offices under government, in respect of fees, and of useless expenses, which was referred to a committee, but no further proceedings were had upon it. The circumstance is only mentioned here, as affording an elucidation of his public character ; by proving that he never, as a minister, made a promise which he did not intend to perform ; nor suffered his practice to be at variance with his professions. In the course of the session, the affairs of the East India Company had been referred to commit-

tees, appointed for investigating them, with a minuteness and attention, of which a large assembly was incapable. And considerable progress was made by the committees, in their researches on this important subject; as it was intended to follow up their report with a legislative measure of great importance. But the whole of this inquiry, the causes in which it originated, and the consequences which it produced, must be reserved for the subject of a separate chapter.

CHAPTER II.

Affairs of India—Rigorous Policy adopted by Mr. Hastings—Appointment of Committees of Inquiry by the House of Commons, for the investigation of Abuses in the Government of India—Report of the Committees—Proceedings against Sir Thomas Rumbold and others—Meeting of Parliament—Mr. Fox's India Bills—Debates on them—Strongly opposed by Mr. Pitt—Petitions against the Bills, from various commercial Bodies—Carried through the House of Commons by a great Majority—Highly disapproved by the Public—Discussions in the House of Lords—Lord Thurlow heads the Opposition; and panegyricizes Mr. Hastings—Bills rejected on the second Reading—Unconstitutional Proceedings of the Commons—Ministers dismissed with Disgrace—New Administration—Mr. Pitt, Prime Minister.

THE affairs of India had, for a long time, occupied the occasional attention of Parliament, and had given rise to the appointment of two committees, who were instructed to investigate the concerns of the East India Company, and the conduct of their servants, with a degree of attention and minuteness, proportioned to the magnitude of the measures intended to be founded on the result of their inquiries. Mr. Warren Hastings was, at this period, Governor-general of Bengal, and by the adoption of a vigorous and decisive line of policy, he had succeeded in detaching the Mahrattas from the formidable league which threatened the dissolution of our empire in that quarter of the globe; had punished the Rajah of Benares, for an imputed infraction of an existing treaty, and for the hostile intentions, which he was said to entertain, by expelling him from all his strong fastnesses, driving him into exile, and transferring his possessions to another branch of his family;—and had, in fact, resisted every effort to crush the power, or to injure the interests, of Britain, by the *creation*, as it were, of means and resources, without which the British dominions in India must have speedily disappeared. For the accomplishment of this mighty end, he was reproached with having recourse to measures of injustice,

violence, and oppression, particularly in his conduct to Cheit Sing, the deposed Rajah of Benares ; and the whole of his policy, indeed, was exposed to much bitter reproach, and afterwards became the subject of parliamentary investigation.

Before this period, however, the attention of the House of Commons had been frequently directed to Indian affairs ; and early in the year 1781, the two India Committees before alluded to had been appointed. Of these one was a *select committee*, and the other a *secret committee*. The object of the first was, to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orixá ; and to consider how the British possessions in the East Indies might be held and governed with the greatest security and advantage to this country ; and by what means the happiness of the native inhabitants might be best promoted. By such instructions, it will be perceived, an immense field of inquiry was opened to the committee, and a vast scope afforded for the promulgation of speculative opinions, and for the display of theoretical ingenuity. They implied, too, the possession of such practical and local knowledge as few members could be supposed to possess ; though without it none could be qualified to give a satisfactory account of the best means of promoting the happiness of the numerous tribes which then peopled the British dominions in the east. The second committee was directed, to inquire into the causes of the war in the Carnatic, and of the condition of the British possessions in those parts.

Mr. Henry Dundas, who was then Lord Advocate of Scotland, was chairman of the secret committee, and produced their report to the House of Commons on the 9th of April, 1782 ; on which occasion he took a comprehensive view of the subject referred to their consideration, in a speech, the delivery of which occupied three hours. He imputed the calamitous condition of our eastern territories, chiefly, to a departure from the policy prescribed to the Company's servants, of undertaking no military operations for the purpose of conquest ; to the corrupt interposition of those servants in the private or public disputes of the native powers ; to their frequent breaches of faith, and

contempt of treaties; to their speculation, and scandalous oppression of the natives; and, finally, to the encouragement afforded to such proceedings by the conduct of the Directors at home, who neglected to adopt the means within their power, for repressing, and for punishing, the abuses of those servants, and who were even charged with connivance at the most criminal abuses, when calculated to increase their profits.

From general charges, which are more easily advanced than confuted, Mr. Dundas descended to particulars, and stated specific acts of the government of India, which deserved the character which he had given of them. These chiefly related to the support of unjust wars; to the cruel treatment of some of the native powers; to the violation of engagements to others; to the arbitrary exactions of free gifts, under the denomination of *nazirs*; and to the fraudulent grant of leases, from interested motives. These charges were afterwards formed into resolutions, which were adopted by the House. Having stated such instances of criminality, as would, in his apprehension, justify the inferences which he was prepared to draw, he contended that the interposition of the legislature was indispensably necessary, for the purpose of bringing delinquents to punishment, as well as for that of depriving them of the means of committing similar offences in future. Equally necessary was it, in his opinion, that commissioners vested with high authority, should be sent to India, in order to give effect to any resolutions of the House, or to any provisions of the legislature.

On a subsequent day, Mr. Dundas brought forward the resolutions founded on the report of the committee; one of which went to criminate Sir Thomas Rumbold, a member of the house, who had been President of the Council of Madras. These resolutions, with numerous others, brought forward three days after, were all agreed to by the House; and a bill of pains and penalties was accordingly brought in against Sir Thomas Rumbold, Peter Perring, and John Whitehill, for high crimes and misdemeanours. The progress of this bill, however, but ill corresponded with the rapidity with which the mass of criminal

matter, on which it was founded, had been received and adopted by the House. Sir Thomas Rumbold was, of course, heard in his defence; the session of 1782 passed away; and, in the middle of the ensuing summer, the further consideration of the bill was, upon motion, postponed for three months, which put an end to all the proceedings on the subject.

Among the other resolutions was one which had for its object the immediate recall of Mr. Hastings, the Governor-general, and of Mr. Hornsby, the Governor of Bombay. This resolution concluded with the assertion, that it was the duty of the Directors of the East India Company to pursue all legal and effectual means for the removal of the said Governor-general and President from their respective offices, and to recall them to Great Britain. In this instance, however, the House of Commons acted most inconsiderately, by the adoption of resolutions which they had no power to enforce. The Directors endeavoured, indeed, to gratify the wishes of the House, but they were themselves subject to the Proprietors at large, who rescinded their resolution for the recall of Mr. Hastings; and thus rendered the proceedings of the Commons so far nugatory. But the reports of the select committee of the House, which entered deeply into the constitution of the East India Company, and of their government, considered both in a political and in a commercial point of view, supplied Mr. Fox with the ground-work of those bills which he afterwards submitted to Parliament, and which were productive of such serious consequences to himself, and to his party.

[1783.] In the summer of this year Mr. Pitt went to the Continent, and passed some time both at Paris and at Rheims, the capital of Champagne. During his visit to the metropolis of France, he became acquainted with La Fayette, whose revolutionary principles he afterwards opposed with so much firmness, ability, and effect. He returned, however, before the meeting of Parliament, which assembled on the 11th of November, when the Speech from the Throne, after announcing the conclusion of definitive treaties of peace, recommended to the serious attention of both Houses, the state of the East India Company.

Mr. Pitt adverted, with great force, on this occasion, to the inconsistency of the Ministers and their friends, in voting an address of thanks to their Sovereign, for having concluded definitive treaties of peace, containing the very same provisions as those preliminary articles which they had before voted to be inadequate and dishonourable. While, however, he reproached them on this ground, he expressed his entire approbation of the grand objects of reform which they professed to have in view ; and hoped that the means which they had to propose would be found adequate to the end which they meant to accomplish. Mr. Fox, in return, declared, that nothing could afford him greater satisfaction as a minister, or prouder exultation as a man, than the praise and support of Mr. Pitt ; and, in answer to some observations of the latter, respecting Indian affairs, Mr. Fox added, that he should bring forward a bill for the better regulation of the government of India, on the eighteenth of that month.

Accordingly, on the eighteenth of November, Mr. Fox moved for leave to bring in two bills, one for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors ; and the other, for the better government of the territorial possessions and dependencies in India. By the first of these bills, it was proposed to vest in seven Commissioners, namely, William Earl Fitzwilliam, the Right Honourable Lord George Viscount Lewisham, the Honourable George Augustus North, Sir Henry Fletcher, Robert Gregory, Esquire,—the whole government and management of the territorial possessions, revenues, and commerce, of the company, together with all and singular the powers and authorities before vested in the Directors, or in the general court of proprietors of the said company. For the sole purpose of ordering and managing the commerce of the company, nine Assistant Directors, being proprietors, each of two thousand pounds capital India stock, were to be appointed, with a salary of five hundred pounds, to be paid by the company, to act under, and to be subject to, the aforesaid Commissioners, who were to be appointed, in the first instance, by parliament, and removable only by address from either house. All vacancies in the commission were to be filled by his Majesty ; and, in the offices of Assistant Direc-

tors, by the proprietors of the company. These latter were to be removable by five of the seven Commissioners, who were to enter the cause and grounds of their removal in their journals, and sign them with their respective names. Every half year, the commissioners were to lay before a general court of proprietors, an exact state of the mercantile concerns of the company; and to lay the same, and other accounts, before the Lords of the Treasury, previous to the commencement of every session, for the purpose of being submitted to parliament. Power was given to the Commissioners, to remove, suspend, appoint, or restore any of the officers in the company's service, either civil or military. Provisions were made for bringing to trial, in a speedy and effectual manner, all persons charged with the commission of offences in India; and for preventing persons so charged, from returning to India before a due examination of the charges. Means were provided also for the expeditious decision of all doubts and differences which might arise amongst the members of the government in India. On complaint of any breach of treaty, injury, wrong, or oppression, committed against any native prince in India, or if any such wrong should appear on any part of their correspondence, the commissioners were, with all possible expedition, to inquire into the same, and to render full and complete justice between the parties. Such were the leading provisions of the first bill. By the second bill, the powers granted to the Governor-general and council, over the other presidencies, in matters of war, peace, and treaties, were more fully explained, and strict obedience to the orders of the new commissioners were enjoined. It regulated some matters of inferior moment, and then proceeded to forbid the exchange, or the acquisition, or the invasion of any territory in India, or the formation of any alliances for such purposes, or the hiring out any part of the company's forces, by the Council-general or any presidency. It prohibited the appointment, to any office, of any person who had been removed for misdemeanour, and forbade to let out any farm to the servants of persons holding civil employments under the company. It abolished all monopolies in India, and forbade the acceptance of presents under heavy penalties. It secured to the native landholders an estate of inheritance, and provided against the alteration or increase of rents. Provisions were adopted, and

regulations made, for preventing impositions of all kinds on such of the native princes as paid tribute to the company, or were otherwise dependent on, or connected with, them; and secured to them their rights both of possession and of inheritance. A mode was prescribed for adjusting the differences between the Nabob of Arcot and the Rajah of Tanjore, and between those princes and their British creditors; and the restoration of the deposed Polygars was directed.

Such was the substance of these two memorable bills, which created so much discussion, both in Parliament and out of it, and which were productive of consequences the very reverse of those which Mr. Fox himself had expected to ensue from them. They certainly exhibited a bold and daring plan, original in conception, comprehensive in scope, and energetic in operation; a plan, manifesting a strong, vigorous, and ambitious mind; evidently capable of great efforts, undismayed by obstacles, and prepared to adapt its means to its purposes. Aware of the immediate effect which the exposition of his project was likely to produce, and compelled to acknowledge its departure from the whole system of our Indian policy, the framer of it rested its defence, chiefly, on the broad, but still dangerous, ground of necessity, which has been too generally stigmatised as the tyrant's plea, but which must often form the statesman's guide. In order to support the ground, which the advocates for the bill had thus assumed, they contended that the abuses alleged to exist in the government of our Indian possessions, were enormous, both in magnitude and extent; and had become so habitual as to be utterly incurable without a total change of system. They then entered upon a general statement of the finances of the company, who had, in the preceding year, been reduced to the necessity of applying to parliament for leave to borrow half a million; and, at a subsequent period, for a farther aid of three hundred thousand pounds, in exchequer bills, and for the remission of the payment of customs, to the amount of nearly a million more. Though restricted from the acceptance of bills from India, beyond three hundred thousand pounds, without the express permission of the Lords of the Treasury; they had recently applied for permission to pay a surplus demand, of the same description, from Bengal, to the amount of nearly

two millions. If these bills were suffered to be protested, not only the credit of the company, but that of the nation would be materially affected ; while the allowance to accept them, by which the public faith would be pledged for their payment, was a matter that required the most serious consideration, and a previous examination into the state of the company's affairs. This examination had accordingly been made, and the result of it presented a debt of eleven millions, with a stock in hand applicable to its payment of only three millions two hundred thousand pounds. It was contended that the existence of this enormous deficit, imperiously called for a radical reform in the management of their affairs, and that the House of Commons could not, consistently with their duty, advance the public money on the security of a company that stood on the very verge of bankruptcy.

Other abuses were stated to arise out of the political misconduct of the company's servants, in their treatment of the independent powers of India, of the states in alliance with, or dependent on, them ; and in the government of their own territorial possessions. They were charged with undertaking most ruinous and unjust wars, without any fair pretext, and solely for the purpose of conquest ; with violations of treaty, and breaches of faith ; with exposing the company's assistance to sale, in order to foment and encourage disputes between the native princes ; and with basely betraying every power with which they had formed a connection. Facts taken from the reports of the committees were offered in proof of their allegations ; and the conduct of Mr. Hastings, in particular, was described as tyrannical and oppressive, and as affording just and proper ground for distinct and specific proceedings.

Again, the company's servants, in India, were accused of the most corrupt and ruinous interference in the internal government of the princes, who were dependent on them ; of an unjust invasion of their rights ; and of the arbitrary exaction of enormous aids and tributes. Those in the civil departments were described as guilty of the most scandalous peculation ; while disorders of every kind, added to rapaciousness, were ascribed to the military.

The management of their own territorial possessions was stated to have for its object, exclusively, the accumulation of wealth for the purpose of transmission to Europe. For the attainment of this object, monopolies were said to have been established for every article of trade, and even for the necessaries of life ; the odious privilege of pre-emption was secured to the company ; by which, and by other measures of a similar nature, the native bankers of the country were driven out of the market, while the agriculturist, and the manufacturer, deprived of the benefit of fair competition, were obliged to accept whatever the company chose to give, for the produce of their land and of their labour. The oppression and cruelty with which those measures were carried into effect, were stated to be more intolerable than even the measures themselves ; and the subordinate agents, imitating the conduct of their employers, became extortioners and plunderers, and aggravated, in an infinite degree, the evils sustained by the miserable natives.

An instance of peculiar oppression was asserted to have occurred in the provinces of Bengal and Bahar. They had been laid waste by a famine, which, in its desolating course, had swept away no less than one-third of their inhabitants ; when, instead of affording that relief which the distressing circumstances of the case seemed imperatively to require, the remaining two-thirds of the inhabitants were compelled to pay the same tribute which had been previously exacted from the whole. A measure so oppressive had an immediate effect on the country ; the decline of which became as rapid, as its prosperity was before manifest. In this emergency, dreading to lose their tribute, the company's government put up the whole landed interest of Bengal to auction, without the smallest regard to private property, and without any preference to the ancient possessors. The consequence was, that the lowest and most profligate speculators acquired the patrimonial lands of the Zemindars, and a black agent, or steward, of the Governor-general, was asserted to have possessed himself of farms of the annual value of one hundred and thirty thousand pounds sterling.

While the natives were thus oppressed, on the one hand, they were,

on the other, excluded from all places of trust and profit, and the sum of £420,000, which had been allotted to the Nabob of Bengal, (as the condition of the grant of the territorial revenue, which amounted to three millions) for the support of his government, had been reduced to £160,000, in direct infraction of the treaty ; and, consequently, his power of affording employment and relief to the natives was diminished in proportion.

From these atrocious proceedings, and the disgrace and odium consequent thereon, it was insisted that our Indian territories, instead of being productive of emolument to the nation, were likely to become extremely burdensome ; that all confidence in our integrity was destroyed, and ~~that~~ our power was viewed, by the natives with detestation and mistrust. It was strenuously urged, in the course of the debate, and it was one of the strongest arguments used on the occasion, that a company of merchants were utterly unfit to be entrusted with the political government of a distant foreign dominion, or with the management of large territorial revenues. And another argument, less strong, but more successful, was drawn from the peculiar constitution and circumstances of the company, in order to prove its inadequacy to the correction of abuses, or to the good government of the country consigned to its care.

On the other hand, it was generally admitted, that great abuses did really exist in India, and that means for their correction ought to be devised ; but enormous, indeed, must they be to justify a measure which was represented as an entire abrogation of all the ancient charters and privileges, by which the company had been first established, and had since existed. The *necessity* for this measure, which had been so strongly insisted on, was as peremptorily denied to exist. Mr. Pitt, who took the lead in opposition to the bills, declared that the only reason which he had heard in favour of the necessity, was that of destroying the corrupt influence which had been exerted by the company and their servants, in both Houses of Parliament. But this, he contended, was an argument against the principle of the bill ; for if government possessed themselves of this source of influence and corrup-

tion, it would no longer be the influence of a company, but that of the executive government. He observed, that it was the principle and avowed object of the bill, to place the whole system of Indian government in the hands of seven persons, under the immediate appointment of the minister himself. The minister would then virtually be the governor of India ; he would have all the power and patronage which the bill professed (and that profession was urged as its chief recommendation) to eradicate. The whole of the proposed system was characterized as nothing more than absolute despotism on the one side, and the most gross corruption on the other ; and the House was called upon, by Mr. Pitt, to resist it as one of the boldest, most desperate, and most alarming attempts at the exercise of tyranny, that ever disgraced the annals of this or any other country. It was observed, that Mr. Fox, whose eloquence, and whose abilities, would lend a grace to deformity, had appealed to the passions, and pressed home to the hearts of the members, the distressed situation of the unhappy natives of India ; a situation which every man must deeply deplore, and anxiously wish to relieve. But ought he to proceed to the protection of the oppressed abroad, by enforcing the most unparalleled oppression at home ? Was the relief to be administered in Asia, to be grounded on violence and injustice in Europe ?—The state of the company's affairs was charged to have been grossly misrepresented ; and, from a comparison of their assets with their debts, it was inferred, that there was no deficiency whatever in their capital ; that, though distressed, they were by no means insolvent ; and, it was insisted, that they ought to be allowed an opportunity of proving the whole of the statement of their affairs at the bar of the House.

It was further argued, (by Mr. Dundas) that the bill was calculated, not to increase the influence, but to bear down the power, of the crown, by the creation of a fourth estate, which would destroy the balance established by the other parts of the constitution. The author of the bill was represented by its opposers, as a man of most splendid talents, of most intrepid spirit, and of boundless ambition ; who, professing, as a leading article of his political creed, that Britain ought to be governed by a party, had formed the present system, for the per-

petuation of such a government. The bill was stated to exhibit all the prominent features of its author's character and sentiments ; its end was perpetual dictatorship to himself ; the means proposed for its attainment were the exclusive possession, and exercise, of the whole influence and patronage of India, by the members and agents of a party which were totally at his devotion. In order to force his way to the supreme direction of his Majesty's government, Mr. Fox had coalesced with those statesmen whose conduct and principles he had uniformly reprobated : and his views extending as he advanced, he now proposed to make his power perpetual and uncontrollable.

In answer to some parts of these charges, it was maintained, that no new power, whatever, was created by the bills, and that if the Indian government were a fourth estate, it had existed as such ever since its formation. That the new Commissioners would be possessed of influence, was admitted ; but the power which gave birth to it was wisely and safely deposited. The duration of their authority was defended on the ground that time was necessary for the completion of their projects of reform, which ought not to be interrupted by the vicissitudes of ministerial revolutions ; and great credit was assumed, by the friends of the bill, for the caution and forbearance which marked its provisions. The Commissioners were, in the first instance, named by the House of Commons, in conformity to established usage, and every means had been adopted for securing the due execution of their trust. The bills rendered all concealment impossible ; they annexed responsibility, not only to every *action*, but even to the *inaction* of the persons who were to carry them into effect ; and they provided for a strict examination and scrutiny.

In the interval between the first and second reading of these bills, the Proprietors and Directors of the East India Company had presented petitions against it ; in which they requested that their property might not be confiscated without evidence of delinquency ; and that before the House passed a bill which would operate as a sentence of condemnation, it would condescend to prove their guilt : and the petitioners asserted, in contradiction to the charge of bankruptcy, that they were

prepared to shew, that their assets exceeded their debts. Their counsel pressed these powerful arguments at the bar of the House, but without effect. Every motion for delay, with a view to give time for further investigation, and proofs, on a subject so important, was resisted ; the bills proceeded through the different stages, and were finally passed on the eighth of December, by a majority of one hundred and six.

Meanwhile, the arguments urged in opposition to the bills had made a much greater impression on the mind of the public, than on that of the House of Commons. The subject was deeply investigated in various publications, and the general opinion was decidedly against the measure. The bills were read a first time in the House of Lords, on the Thursday after they had passed the Commons, when a very warm and animated debate took place ; in the course of which Lord Thurlow vindicated the Governor-general of India against the attacks which had been made on him in the other House. He described Mr. Hastings as one of the most inestimable characters which the country had ever produced : he had served the East India Company for three and thirty years, twelve of which he had been president of Bengal. His knowledge of the country, and its inhabitants, was most extensive. By his integrity, honour, firmness of mind, and perseverance, he had encountered difficulties which would have subdued the spirit of any other man, and had surmounted every obstacle. Such was the vigour of our government in Bengal, such were the regulations for the administration of justice in the provinces, and such the economical arrangements formed by the civil and military departments, that Lord Thurlow did not believe it could be in the power of the folly and ignorance of the most favourite clerks whom Mr. Fox's commissioners could send out, to throw Bengal into confusion in the term that was assigned for the duration of his bill. The discussion ended in fixing the second reading of the bill for the fifteenth of December.

In this interval, the alarm which the public had conceived at the boldness of the measure increased, and other corporate bodies, thinking their own charters equally subject to attack with that of the East India Company, had presented petitions against the bill, which they

regarded as a flagrant violation of private property. The alarm had even spread to the throne itself; and the royal disapprobation had been declared to Lord Temple, who, availing himself of the privilege of an hereditary counsellor to the crown, had freely delivered his own sentiments on the subject to his sovereign. It could not be supposed that a transaction of this nature could remain a secret; or that any means could be adopted to prevent the effect which a knowledge of it would naturally produce. The objections to the bill, however, were, of themselves, sufficiently powerful to account for the opposition which it afterwards experienced, without having recourse to the exercise of extraordinary influence.—Be that as it may, several of the peers, who had given their proxies to the ministers, hastened to withdraw them; and when it was moved to read the bill a second time, a motion of adjournment was made by its opponents, who carried it by a majority of eight,—eighty-seven having voted for the motion, and seventy-nine against it.

Thus was an end put to that bill, which had raised the hopes and expectations of its friends to the highest pitch; and which had filled its opponents with the most serious apprehensions and alarms. Viewed with an impartial eye, it must be admitted to have been no *half measure*; its object was clear, and its means were efficacious. On the other hand, it cannot be denied that it tended to vest in the minister of the day a degree of power, unprecedented in extent, and most dangerous in its consequences; a power, indeed, that would have rendered him, in a great degree, independent of the crown, and have secured his continuance in office in spite of his sovereign. The objections to it, then, on constitutional grounds, were strong; while its violent invasion of chartered rights, without the existence of that paramount necessity by which alone it could be justified, afforded good and solid reasons for the opposition which it experienced from the public.

The arguments adduced in support of the measure, though insufficient to sanction the inferences drawn from them, were sufficient to prove the existence of considerable abuses, and to substantiate the necessity for a speedy and effectual reform. Those which were founded

on the unfitness of a mercantile body to govern our Asiatic dominions, were peculiarly powerful and impressive. Indeed, the existence of such an authority is a perfect anomaly in government; and after ages will scarcely credit the fact, that a set of traders in London, subjects of a British monarch, should have exercised the rights of sovereignty over many millions of people in Hindûstan. It seemed most natural, indeed, to separate the trade from the territory, and to limit the power of the company to the possession of a commercial monopoly. These considerations, however, important as they were, appear to have had little weight, with either side, in the discussion of this question.

Ministers had taken the alarm; and on the very day on which they were left in a minority, in the Upper House, one of their friends, in the Lower House, Mr. Baker, moved, "That it is *now* necessary to declare, that to report any opinion, or pretended opinion, of his Majesty, upon any bill, or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanour, derogatory to the honour of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the Constitution."—In support of this extraordinary proceeding, it was contended, that the notoriety of the fact, and the *consequences* which it had already produced, called on the House, *which was the natural guardian of the constitution*, for its immediate interference.—But it is not very easy to perceive with what propriety or justice the House of Commons could be called the natural guardian of the constitution, any more than the House of Lords, or the King himself. It might certainly have been asked, who was the guardian of the constitution, during a dissolution, or even during a prorogation of Parliament? or whether, at such a period, the constitution was left without a guardian?—But, in the contentions of party, expressions are frequently used to which the persons employing them affix no definite meaning; and, during such struggles, the most intelligent men are sometimes betrayed into the greatest absurdities. The alleged criminality of the fact, which occasioned the motion, was stated to consist, first, in giving secret advice to the crown; which it is the duty of every peer to give, when required to do so by his sovereign; or whenever he conceives that

his advice may be of service to the state: and, secondly, in using the King's name, for the purpose of influencing the votes of members of Parliament, in a matter depending before them. The law declared, that *the King could do no wrong*, and, therefore, had wisely made his ministers amenable for all the measures of his government. This was said to be the very essence of the constitution, which could no longer subsist, if persons unknown, and upon whom, consequently, no responsibility could attach, were allowed to give secret advice to the Crown. —So far is this from being the essence of the constitution, that the doctrine is perfectly unconstitutional. For peers are declared, by the law, to be *the hereditary counsellors of the Crown*; and, by the most ancient of our constitutional lawyers, one purpose of their creation is expressly stated to be, for giving advice to their Sovereign, even when no Parliament is sitting. * And there is even an instance recorded in history, of two favourites of the King having been impeached and banished, for preventing the peers of the realm, “the King's good counsellors,” from coming into his presence to offer him their advice. As to the second part of the charge, it was proved, from the Journals, that to make any reference to the opinion of the King, on a bill depending in either House, had always been judged a high breach of the privileges of Parliament; and the House of Commons assuming to itself the exclusive power of deciding what constitutes a breach of its own privileges, all argument on that point is precluded; but because the House had judged such conduct to amount to a breach of privilege, its adjudication was by no means sufficient to render it a *high crime and misdemeanor*, which it was the object of the motion to do. A *crime or misdemeanor* is an act committed in violation of a public law. A law must be the act of the *whole* legislature. No one *portion* of the legislature is competent to make a law; and, unquestionably, there was no public law which forbade a reference to the opinion of the King, upon any measure pending before his Parliament; and, therefore, such a reference could not be a high crime and misdemeanor: it was not upon this ground, however, that the motion was resisted.

* Coke upon Littleton, 110. Bracton, l. 1, c. viii. 7. Rep. 34. 9 Rep. 49. 12 Rep. 96.

Mr. Pitt, indeed, declared it to be the unalienable right of peers, individually or collectively, to advise his Majesty, whenever they thought the situation of public affairs made such a step an essential part of their duty ; but his arguments were chiefly directed to prove the insufficiency of public report to justify any proceeding on the part of the House.—And, considering the question in this point of view, he truly represented it to be the most unnecessary, the most frivolous, and the most ill-timed that ever insulted the attention of the national senate. What, he asked, was its foundation and object ? Did it contain any specific charge ? No. Was it directed to any decisive issue ? No. What then was the House to make of such a proposition ? Could they adopt a measure which came in a shape thus questionable, without maturely weighing the consequences ? The mighty grievance complained of was not a misdemeanor substantiated to the satisfaction of the House by any sort of evidence whatever, but on the vague surmises, or lie of the day. The monster, public report, which was daily and hourly fabricating every species of the grossest absurdities and improbabilities, was thus made to intrude on the national business, and arrest the attention of the House of Commons, to follow her through all her shapes and extravagances. Could any thing be more perfectly ridiculous, or a greater sarcasm on that serious and dispassionate dignity of mind, which ought to attend, and to mark, all their parliamentary proceedings ? In answer to the question, how ministers were to act when so circumstanced ? they were told, that the servants of the Crown were worse than useless, whenever they were without responsibility.—For a situation thus dangerous and unconstitutional they were indeed, strictly answerable. Their duty, under circumstances thus dishonourable and inefficient, was therefore obvious and indispensable. The moment they could not answer for their own measures, they ought to retire : they were no longer fit to occupy stations which they did not adequately fill.

Reason had very little effect in the decision of a question which had originated solely in a spirit of party, and which had for its only object to compel the sovereign to retain the ministers whom he was in-

clined to dismiss. The motion, unconstitutional as it was, was carried by a majority of seventy-three : and the ministers, resolved to avail themselves of the power which they still possessed, moved a resolution, which was of course adopted, that on the Monday following the House should form itself into a committee, to take into consideration the present state of the nation. Not satisfied with these transactions, they proceeded, with the most indecent precipitation, and with the most violent spirit, to resolutions still more decisive in their language, and more unconstitutional in their nature. On the motion of Mr. Erskine, they resolved, that it was necessary, for the most essential interests of the kingdom, and peculiarly incumbent on the House, to pursue, with unremitting attention, the consideration of a suitable remedy for the abuses which had prevailed in the government of the British dominions in the East Indies ; and that the House would consider, as an enemy to his country, *any person who should presume to advise his Majesty to prevent, or in any manner interrupt, the discharge of this important duty.*

The avowed object of this motion was a direct interference with the prerogative of the Crown ; since it was intended to prevent the King from dissolving his Parliament. If the House of Commons have a right, by any measures which they can adopt, to destroy the free agency of the Crown—in other words, to intimidate the King, so as to deter him from exercising his prerogative in such a way as his Majesty shall conscientiously believe to be conducive to the welfare of his kingdom, the authority of the Crown becomes nugatory, and utterly incapable of answering the salutary purposes which are expected from it ; the balance between the different constitutional powers is destroyed, and the pre-eminent excellence of the constitution annihilated. But, if the right of interference with *any* part of the royal prerogative were really vested in the House of Commons, the power of dissolving Parliament must either be exempt from their controul, or they would themselves be judges in their own cause, deciding how long they ought, or rather they *choose*, to sit ; and, by the assumption of a little more authority, which would require no great effort, for usurped power has a natural tendency to increase, would soon declare themselves a permanent body.

The motion was, most truly, declared, by some members, to be factious, as trenching on the undoubted prerogative of the Crown, without any justifiable cause. And one of them observed, that its real meaning and intent were, to declare, that no dissolution of Parliament should take place at that time, in order that the existing administration might remain in office. But no truths, however striking, or however forcible, were likely to produce the smallest effect on a minister, who knew and felt his power, and who had resolved, by whatever means, to keep possession of it, until it should be wrested from him by superior authority ; much less was it likely to produce it on a House, who had already carried their support of that minister to such enormous, such unconstitutional lengths. The same men who had voted for the former motion, voted for the present, which was, of course, carried by the same majority.

It was not to be supposed that the King could remain a silent spectator of such flagrant attempts to invade his power, and to dispute his rights ; or that he could any longer repose confidence in servants who had sought to render themselves, as it were, independent of their master. Their dismissal, therefore, was speedily resolved upon ; and the mode of signifying their disgrace to them was, no doubt, selected with a view to add to the mortification which they must feel on the loss of their stations. The nobleman whose advice had, so seasonably, and so effectually, been given to his Sovereign, was consulted ; and a messenger was employed to deliver, on the following night, to the two Secretaries of State, his Majesty's orders, that they should deliver up the seals of their offices, and send them by the Under Secretaries, *as a personal interview on the occasion would be disagreeable to him.* The violent conduct pursued by those ministers in the House of Commons deserved some strong mark of the royal displeasure. The seals were immediately given to Lord Temple, who, the next evening, sent letters of dismissal to the other members of the Cabinet. His Lordship having thus completed the purpose for which they were delivered to him, resigned them ; and a new Administration was appointed, consisting of the following characters :—Mr. Pitt, First Lord of the Treasury, and Chancellor of the Exchequer ; Marquis of

Carmarthen, Secretary of State for the Foreign Department ; Lord Sidney, Secretary of State for the Home Department ; Earl Gower, President of the Council ; Duke of Rutland, Lord Privy Seal ; Earl Howe, First Lord of the Admiralty ; Lord Thurlow, Lord Chancellor ; Duke of Richmond, Master-general of the Ordnance ; Mr. Kenyon, Attorney-general ; Mr. Pepper Arden, Solicitor-general ; Mr. William Wyndham Grenville, and Lord Mulgrave, Joint Paymasters of the Forces ; Mr. Henry Dundas, Treasurer of the Navy ; Sir George Yonge, Secretary at War ; and Mr. Rose, and Mr. Steele, Secretaries of the Treasury. By this change, Mr. Pitt became Prime Minister of the country, before he had completed his twenty-fifth year.

CHAPTER III.

Proceedings of Parliament—A majority of the House of Commons oppose the Minister—**Land-Tax Bill** postponed—Committee on the State of the Nation—Address to the King not to dissolve the Parliament—Reflections on the unconstitutional Conduct of the Commons, as displayed in their interference with the King's prerogative of choosing his own servants—Powers of the House of Commons, in respect to the Ministers, defined—**Motions** respecting the acceptance of bills from India, and the appointment of Chancellor of the Duchy of Lancaster for life—House adjourned for the recess—State of Parties—Mr. Pitt defends his own Conduct—Right of dissolving Parliament during a session denied, on the authority of Lord Somers—Such doctrine subversive of the Constitution—Mr. Pitt avows his principles, and refuses to barter away the Royal Prerogative—Resolutions of the House proved to have an illegal and unconstitutional tendency—An Administration supported by a majority of the House, maintained to be indispensably necessary—Resolutions to that effect—Debates thereon—Conduct of Earl Temple arraigned—Mr. Pitt's India Bill—Opposed by Mr. Fox—Rejected by a majority of eight—Farther efforts to displace the Ministers—Their continuance in office **RESOLVED** to be unconstitutional—Attempts, by the Country Gentlemen, to produce a Coalition of Parties—Mr. Pitt explains the motives and principles of his conduct—Refuses to resign as a preliminary step to the proposed coalition—his resignation insisted on as an indispensable preliminary by the Whig Leaders—He defends the Prerogative, and explains the legal powers of the House—Dares Mr. Fox to prefer Criminal Charges against him—Reflections on the conduct of the Country Gentlemen on this occasion—Their efforts to accomplish their object—Mr. Fox asserts the right of the House of Commons to a real and substantial negative in the nomination of ministers—Absurdity and danger of such a principle exposed—Mr. Pitt dares the Opposition to refuse the supplies—Supplies postponed by a majority of twelve—Proceedings in the House of Lords—Assert the true principles of the constitution in contradiction to the Commons—Resolutions for that purpose—The Commons defend themselves from these imputations—Compromise between the Country Gentlemen of the Whig Party, in consequence of which the Supplies are suffered to pass—Resolutions by Mr. Powis and Mr. Eden, for an Address to the Throne—Debate thereon—Mr. Fox maintains that the voice of the people is only to be found in the House of Commons—Address carried—His Majesty's answer—Considered by the House—Another Address moved by Mr. Fox—Opposed by Mr. Pitt—Carried by a majority of Twelve—The King's answer—Remonstrance of the Commons, who assert their right to call for the removal of Ministers without preferring any charge whatever against them—Observations on this remonstrance—Remonstrance carried by a majority of One—Mutiny Bill passed—Parliament first prorogued, and then dissolved.

Mr. Pitt, by accepting the important office of Prime Minister, at this arduous crisis of public affairs, placed himself in a situation which

required an union of talents, firmness, and integrity, which it falls to the lot but of few statesmen to possess. He had a strong majority in the House of Commons against him, with but little chance of turning it in his favour ; the opposite party, too, was headed by men of the most splendid abilities, of extensive knowledge, and of great experience in the art of political warfare. It was the middle of a session ; the mutiny act was not yet passed ; the supplies were not yet granted, and they would not admit of much delay ; besides, it would be in the power of the Opposition to withhold them, should they be bold enough to proceed to such extremities (and, from their recent conduct, there was no reason to expect from them any great moderation or forbearance) and so put a total stop to public business. On the other hand, indeed, he had to contemplate a respectable majority in the House of Lords ; the full confidence of his Sovereign, and the favour of the public. The decisive manner in which he had stood forth the champion of private property, and of chartered rights, had rendered all the great companies, as well as the monied interest, his firm friends. The candour with which he had avowed, and the manly eloquence with which he had defended his principles, asserted the purity of his views, and vindicated the independence of his mind, had gained him great credit with the country, and had considerably augmented the number of his partisans. Thus circumstanced, not a doubt could be entertained of the success of an immediate appeal to the people, through the medium of a dissolution of Parliament ; but in the present stage of the public business, nothing but absolute necessity could justify the adoption of such a measure. Encouraged, therefore, by the general support of which he was assured, fortified by the consciousness of innate integrity, and resolved to make the good of his country the rule of his public conduct, and the ground and object of all his measures, he determined to meet that House which had recorded its resolution to oppose him, and to throw every obstacle in his way ; and to try whether a sense of duty would ultimately rise superior to the spirit of party.

The land-tax bill had been read twice in the House of Commons, and the day fixed for its third reading was the twentieth of December.

But as the Opposition were aware, that when that bill was once passed, there would be no farther obstacle to a dissolution of Parliament, which might not easily be surmounted, they resolved to avail themselves of their majority, in order to postpone it ; and the third reading of the bill was, accordingly, after a short debate, deferred to the twenty-second, the day previously fixed for the *Committee on the State of the Nation*. In that committee, Mr. Erskine moved an address to his Majesty, influenced by the same motives, and having the same object as his former motion, which was so justly stigmatized as factious. This address stated the *alarming* reports of an intended dissolution of Parliament ; represented to his Majesty the inconveniences and dangers which would attend such a measure, at a moment when the maintenance of the public credit, the support of the revenue, and, more especially, the distressed state of the finances of the East India Company, and the disorders prevailing in their government, both at home and abroad, demanded the most immediate attention : and besought his Majesty to suffer them to proceed on the important business recommended to them in his speech from the throne, and to hearken to the voice of his faithful Commons, and not to the secret advices of persons who might have private interests of their own, separate from the true interest of his Majesty and his people. It must have immediately occurred, to the weakest of advocates, that no advice which could be given to his Majesty, whether secret or public, could have private interest for its object, more than that which was contained in this address, which declared, in language so plain as to be insulting, that it was the duty of the Sovereign to dismiss his new ministers from his councils, and to recall the old, who had a majority of the House in their favour. Notwithstanding an authorized assurance, from Mr. Bankes, that if a dissolution should be proposed in the cabinet, Mr. Pitt would resist it ; and, should his resistance prove ineffectual, would resign his office ; the majority persisted in their resolution to carry their murmurs of discontent to the foot of the throne. No division took place, and the address was ordered to be presented by the whole House.

In his answer to this address, the King recalled to the recollection of

the Commons a fact, of which they never ought to have lost sight, that it had been his constant object to employ the authority given him by the constitution to its true and only end—the good of his people;—he declared his happiness in concurring with the wishes and opinions of his faithful Commons; he agreed with them in thinking, that the support of the public credit and revenue demanded their most earnest and vigilant care; and that the state of the East Indies was also an object of as much delicacy and importance as could exercise the wisdom and justice of Parliament; he expressed his hope that they would proceed in those considerations, with all convenient speed, after such an adjournment as the present circumstances might seem to require; and he concluded with an assurance, that he should not interrupt their meeting by any exercise of his prerogative, either by prorogation or dissolution.

This answer, however, was not sufficiently explicit to allay the fears, and to calm the apprehensions, of the discarded ministry, who contended, that it conveyed nothing more than a promise, that the House should be allowed to meet again. Such a promise was by no means calculated to satisfy men, the evident, and almost undisguised, object of whose efforts was to force themselves again into power, through the means of that majority which they then enjoyed, and which they had no hopes of obtaining in a new Parliament. Influenced by these motives, they called upon the House to continue their exertions to save the constitution from, what they were pleased to call, the dangerous example of seeing established, a ministry formed in defiance of the House of Commons, on the ground of private favour, opposed to public confidence, by the use of closet intrigue, (alluding to Earl Temple's interview with the King in his closet,) and of secret influence, and not upon the voice of the country, or upon the sense of Parliament. This was, certainly, the language of faction, for the House of Commons had nothing to do with the establishment of a ministry, the choice of which is vested, by the constitution, exclusively in the King. If the House should ever assume and exercise a right to controul the King in this choice, so as to render it impossible for his Majesty to choose any ministers that were not sanctioned by the majority of that House, and

such an usurpation should be acquiesced in by the House of Lords, and by the King, the constitution would be at an end ; for the prerogative of the Crown would be transferred to the House of Commons, who would, in fact, have the choice of ministers ; since there could be no substantial difference between choosing ministers themselves, and dictating to the King whom he should appoint. It is impossible to consider the conduct of the majority of the House of Commons, at this critical period, without inferring the most unconstitutional, and most unwarrantable motives. Had they succeeded in their efforts to prevent the King, in the first instance, from dissolving his Parliament, and to compel him, in the second, to dismiss the ministers of his choice, and to restore to their offices the men who had lost his confidence, (and the one was a necessary consequence of the other) they would, virtually, have dethroned him ;—he might, indeed, have retained his titles, and even remained in possession of his throne, the nominal Head of the Church and the State, but, stripped of the most essential prerogatives of the Crown, he would, from that instant, have ceased to be the CONSTITUTIONAL MONARCH OF ENGLAND. The only powers assigned, by the constitution, to the House of Commons, in respect of ministers, are, that of instituting inquiries into their conduct, and of bringing them to trial and punishment, for offences committed and *proved* ; and that of stopping them in their career of guilt, where their crimes are flagrant, and productive of serious injury to the state. This last power they are enabled to exercise, by addressing their Sovereign, in the first instance, to remove his servants, and, should that attempt prove ineffectual, by ultimately withholding the necessary supplies. But it should be clearly understood, that these powers cannot be legally exercised, without due cause. They cannot be called into action, upon the suggestion of party-spirit, or of private interest. The House may prefer one set of ministers to another, but this is no reason for addressing the Sovereign. The King may choose ministers who are displeasing to the majority of the House ; but the House are bound, in duty, to respect the King's choice ; and not to object to ministers, merely because they are not the men whom they would wish to see ministers ; nor to throw any obstacles in the way of government, unless the *measures* of those ministers are hostile to the real interests of

the state, and, consequently, such as to justify the adoption of the necessary means for removing them from their situations. Any other cause of authority, or ground of interference, is perfectly illegal, and at variance with the fundamental principles of the constitution, which has allotted to every part of the government, and of its adjuncts, their appropriate functions, duties, privileges, and rights, the due observance of which is essential to its preservation.

Regardless of every constitutional principle, though hypocritically professing (for men of such abilities and knowledge could not be suspected of erring from *ignorance*) to be actuated by a desire to preserve the constitution, the Opposition proceeded to the adoption of further measures for the accomplishment of their grand object. They resolved it to be the opinion of the House, that the Lords of the Treasury ought not to consent, that the Directors of the East India Company should accept any more bills, unless they should be able to prove, *to Parliament*, that they had sufficient means to provide for the payment of them, after they should have paid their dividend, and discharged the debt due to government.

In order to promote a right understanding of this motion, it may be necessary to observe, that the Lords of the Treasury were empowered, by an *act of Parliament*, to permit, at discretion, the Directors of the Company to accept bills from India.—It was therefore the object of the motion, to controul, by a resolution of the House, the powers granted by law;—and, in short, to suspend an act of the Legislature.—That they had no right to exercise such a controul, that the motion was highly unconstitutional, and that any resolution founded on it must be perfectly illegal, and, consequently, nugatory, are such self-evident propositions that any attempt to *prove* them, by argument, would be absurd. Prepared, however, for every act of violence, the House adopted this resolution, and also another, proposed by the Earl of Surry (the present Duke of Norfolk) for presenting an address to the King, to desire that his Majesty would not grant the office of the Duchy of Lancaster to any person, otherwise than during pleasure, before the 20th of January following. The *pretext* for the last motion was, that

an inquiry had been instituted into the establishments of the duchy, for the purpose of determining, whether the same might not be reduced, or entirely abolished; but the *real object* of it was to throw an additional impediment in the way of the new ministerial arrangements. After these motions had been adopted, the House adjourned to the 12th day of January.

[1784.] The recess was employed, as might naturally be supposed, by either party, in efforts to increase the number of their supporters, and to conciliate the favour of the public. The partizans of the Opposition loudly declaimed against the ministers, who had been brought in, according to them, by the most unfair, and dishonourable means; Lord Temple was reviled for having gone up *the back stairs* to give his unconstitutional advice to the King;—and a line of distinction was drawn between the ministers and the Opposition; the former being stigmatized as the friends of prerogative, and the latter being hailed as the guardians of the constitution. These champions of party seemed to forget, that the prerogative of the Crown formed as essential a part of the constitution, as the rights of the House of Commons;—and that the destruction of such prerogative would be a fatal blow to that security which it affords to the liberty and property of the subject. “The powers which are vested in the Crown by the laws of England,”—says a high judicial character—“are necessary for the support of society: and do not intrench any farther on our *natural* liberties, than is expedient for the maintenance of our *civil*.”—The good sense of the public, however, prevailed over the clamour of party; the conduct of the Opposition was rightly appreciated; and, before Parliament met again, their numbers were materially diminished. This meeting took place on the 12th of January, when Mr. Fox moved the order of the day, the very instant the Speaker had taken the chair, and for the declared purpose of preventing the ministers from bringing forward any other business, before certain resolutions, which had been prepared by the Opposition, had been discussed in the Committee on the State of the Nation. Mr. Pitt, in vain, urged that he had a message to deliver from the King;—the party were not disposed to pay any mark of respect to the Sovereign who had recently dismissed them from his ser-

vice, and, the Speaker having sanctioned the claim of precedence asserted by Mr. Fox, the House proceeded to consider the question, whether it should resolve itself into the proposed committee?

Mr. Pitt accused Mr. Fox of having had recourse to artifice, and management, for the purpose of gaining possession of the House. He was not at all surprised that those men who, before the recess, had been so clamorous and petulant, and who had gone such strange lengths, at a time when those persons who unquestionably ought to have been present, during the discussion of all important business, were, necessarily, absent, should now have proceeded in the same way, and taken advantage of his absence, to bring on a measure by which he, as the minister of the Crown, should be prevented from delivering a message from his Majesty. He had no desire to prevent gentlemen from saying any thing which they might imagine would support that clamour which they had endeavoured, so insidiously, to raise, any thing which could encourage that petulance which they had shewn before the recess, that unjustifiable violence which they had displayed, and those unprecedented steps which they had adopted, for the purpose of inflaming the passions of the people, and of exciting jealousies for which there was no foundation. He was happy again to meet the House, that the ministers of the Crown might fairly face the assertions and the insinuations which had been thrown out ; for nothing in the shape of a charge had been brought forward ; nothing had even been attempted to be proved. They would now have it in their power to meet any inquiries, and any propositions which might be agitated or discussed in the Committee on the State of the Nation ; and he assured the House, that he should not shrink from any question, charge, or insinuation, which his opponents might choose to bring against him.

After having declared that he was as ready to meet, as others were to propose such a committee, Mr. Pitt suggested his reasons for thinking that it should be deferred for a short time. His Majesty had been pleased to command his services, at a time, when, however he might feel himself unqualified for the high situation to which he had been called, he could not think himself justified, in conscience, to decline.

The circumstances of the country were critical and distressing. The East India bill, brought in by Mr. Fox ; a bill so violent in its form, as to afford just ground of alarm to every reflecting mind, had been, by what powerful management it was not for him to say, hurried through that House. That bill established a species of influence unknown to the constitution of the country ; and he was one of a most respectable minority, who thought that, if it had passed into a law, the independence of the House, the equilibrium between the three estates of the realm, and the beautiful frame of our government, would have been destroyed. But even those who had, for these reasons, objected to the bill in question, thought, with every one else, that some bill was necessary, and he had pledged himself to propose one less violent in its principles, and, in his opinion, more adequate to its purposes. The House had presented an address to the Throne, stating their anxiety on the subject of India, and intreating that nothing might occur to interrupt its discussion ; would the House then prevent the introduction of a new bill, which was the only means of promoting such discussion, and of forwarding the object which they all professed to have in view ? Whatever serious inquiry into the state of the nation might be meditated afterwards, he should think it his duty, most attentively and cheerfully, to accompany. In the mean time, he reminded the House, that it was the first day on which the new ministers had met them in Parliament. That ministry was chiefly called into office, by their Sovereign, on the ground of the India bill. Their first duty was to frame a system for the government of India. They had not opposed the former bill by cavilling ; they had not objected to it from envy to its parents. They had opposed it, because they thought that its objects might be accomplished in a safer way. This was the point on which they were at issue. They had now to prove, that they had not lightly disturbed the government of the country ; that they had not set up a captious opposition ; an opposition to *men* merely ; but that they had opposed a most violent *measure* ; and having overthrown it, they thought it their first duty to substitute a more moderate, and a more constitutional, scheme in its place.

The Opposition strenuously supported their former conduct, their

late resolutions, and those which they now meant to propose, as neither violent nor unparliamentary. They maintained that the dignity and essential rights of the House had sustained a direct attack ; and, on the authority of Lord Somers, they denied the right of the King to dissolve his Parliament, during a session, while public business and petitions were pending ; waving, however, the question of right, they insisted that the exercise of such a power, under the actual circumstances of the country, would be highly dangerous and criminal ; and that the committee were fully justified in taking such steps as they might think the most effectual for the prevention of such a calamity.

If Lord Somers be correct in his assertion, that, under any circumstances, the House of Commons have a right to suspend the exercise of the Royal Prerogative, when they are themselves the object of that exercise, then, indeed, is the prerogative of no effect, and the equilibrium between the different powers, created for the maintenance of the constitution, would be destroyed. But even against the authority of Lord Somers, respectable as it is, (although, on this point, he spoke as a *partisan*, and not as a *lawyer*) and against a whole host of lawyers, if a host could be found to support so monstrous a proposition, it must be contended that no such power is vested in the House of Commons. The prerogative of the Crown is positive, not conditional. Its limits are determined by law, and if they were to be transgressed, the ministers who advised the transgression would be responsible for their conduct ;—but, within those limits, no power on earth can controul its exercise. In short, to oppose one *whig*-lawyer to another, and a lawyer too, who cannot be accused of a wish to extend the prerogative of the Crown beyond its legal bounds.—“ *I lay it down, as a principle, that, in the exertion of his lawful prerogative, the King is, and ought to be, absolute.*”—That the power to dissolve his Parliament, whenever he thinks proper, without assigning any reason for its exercise, is a part of his lawful prerogative, cannot be contested ; any attempt therefore to controul him, in that respect, is an unconstitutional interference of the democratic part of our constitution, with the authority of the supreme power in the state.

The Opposition, however, were not to be deterred, by any regard for the principles of the constitution, from the pursuit of such measures as they deemed conducive to the end which they were anxious to accomplish. They persevered in insisting, that the circumstances of the case required an open and unqualified declaration of sentiment, and exempted them from the necessity of observing any delicacy in their remonstrances to the Crown. They deplored the loss of Mr. Fox's India bill, as a national calamity, produced by the most unconstitutional means ; and they even ventured to assert, that the late ministers had been dismissed for no other apparent reason, than that they enjoyed the confidence of the House of Commons. The menace of a dissolution, they said, was held over them for the purpose of aweing them into an acquiescence with the measures of the new ministers ; and, under such circumstances, the House must feel indignation, and, consequently, express it. They admitted the importance of an immediate attention to the affairs of India ; but while the House were dependent for their existence on the will of the minister, who had means to propose for regulating the government of that distracted country, their deliberations could not bear the characteristics of freedom. They acknowledged their object to be the prevention of a dissolution, and called upon the minister to give them some satisfactory assurance, that the event which they dreaded should not take place.

Mr. Pitt, in reply, again justified his opposition to Mr. Fox's bill, which created a new and enormous influence, by vesting, in certain nominees of the ministers, all the patronage of the east ; and said, that if the House would allow him to move for leave to bring in his own bill, he would state all the outlines of his system, as shortly and precisely as he could. In repelling the imputations against him, he declared, that he came up no back stairs ; that, when he was sent for by his Sovereign, to know whether he would accept of office, he, necessarily, went to the royal closet. That he knew of no secret influence ; and that his own integrity would be his guardian against that danger ; but he assured the House, that the moment he discovered any such influence, he would resign. He would neither have the

meanness to act upon the advice of others, nor the hypocrisy to pretend, when the measures of an administration, in which he bore a part, were deserving of censure, that they were not measures which he advised. If any former ministers took such charges to themselves, to them be the sting. He little expected to be ever charged as the tool and abettor of secret influence. The novelty of the imputation only rendered it the more contemptible. He would never deign to give any other answer on such a subject; and he wished the House to bear in mind his declaration, that the integrity of his own heart, and the probity of all his public, as well as his private, principles, should ever be his sources of action. He would never condescend to be the instrument of any secret advisers, nor, in one instance, while he had the honour to act as minister of the Crown in that House, would he be responsible for measures not his own, or, at least in which his heart and judgment did not cordially acquiesce. As to the pledge demanded of him, respecting the dissolution, it did not become him to comment on the words of a most gracious answer of the Sovereign, delivered from the Throne; neither would he presume to compromise the royal prerogative, or barter it away in the House of Commons. When he had authorised his friend to pledge himself that he would not advise a dissolution, such was his real sentiment at the time: more he would not say.

The order of the day was carried, on a division of 232 to 193, when the majority proceeded to the adoption of their preconcerted measures for preventing a dissolution of Parliament. They passed a string of resolutions. First, that it was the opinion of the committee, that for any person or persons, in his Majesty's Treasury, or in the Exchequer, or in the Bank of England, employed in the payment of the public money, to pay, or direct, or cause to be paid, any sum or sums of money, for, or towards, the support of the services voted in that session of Parliament, after the Parliament should have been prorogued or dissolved, if it should be prorogued or dissolved, before any act of Parliament should have passed for appropriating the supplies to such services, would be a high crime and misdemeanor, a daring breach of the public trust, derogatory to the fundamental privileges of Parlia-

ment, and subversive of the constitution of the country. That it was also the opinion of the committee, that their chairman should be directed to move the House, that the bill for punishing mutiny and desertion, and for the better payment of the army, and their quarters, should be read a second time on the 23d of February.*

In the first of these resolutions, the House of Commons assumed a power which they had not the smallest right to exercise. Even in that non-descript class of offences, called breaches of privilege, offences against themselves, where they assume a right to act as parties, jury, and judge, and to inflict the punishment of imprisonment on the offender ; a prorogation (and, *a fortiori*, a dissolution) puts an end to their power, and, *ipso facto*, liberates the prisoner. How then can a body so circumscribed in its powers of action, presume to restrain the lawful authority of the Crown, and to extend its own, in a matter too so important, beyond the period of its existence ? But this was not the only illegal part of the resolution ; for the conversion of an act into a high crime and misdemeanor, which was not punishable by law, was the assumption of a power vested, by the constitution, in the whole legislative body alone : it was, in fact, a virtual declaration of the power of the House to make laws, without the concurrence of the House of Lords, and the fiat of the Sovereign. If there had been no other reason for dissolving Parliament, this alone would have sufficed, and the ministers would have been highly criminal who had not advised the King to dissolve it.

Having thus, as they thought, taken efficient means for preventing the dissolution of Parliament, the next care of the majority was, to compel a change of ministers ; in other words, to dismiss their opponents, and to force their Sovereign to recal themselves to power. For this purpose, the Earl of Surry (who had, not long before, abjured the religion of his ancestors, and espoused the Protestant faith) moved two more resolutions. First, that in the actual situation of his Majesty's dominions, it was peculiarly necessary that there should be an administration which had the confidence of that House and the public. It would appear, to a common observer, that the Opposition, buoyed up

by their triumphant majority, had persuaded themselves that the supreme power was vested in the House of Commons, and that the Lords, and the Crown were mere *expletives* in the state. It is scarcely credible that they should not think it necessary that the King's servants should have the confidence of their master, or the ministers of the Crown the confidence of the House of Lords. In order to place this extraordinary fact in a proper point of view, Mr. Dundas moved, as an amendment, that, instead of the words "*This House and the public,*" should be substituted "*The Crown, the Parliament, and the People.*" The amendment, however, was negatived without a division.

The second resolution moved by Lord Surry, was, that the late changes in his Majesty's councils had been preceded by dangerous and universal reports, that the sacred name of the King had been unconstitutionally used, to affect the deliberations of Parliament; and, that the appointments made were accompanied by circumstances new and extraordinary, and such as did not conciliate or engage the confidence of the House.

The alleged ground of this resolution, was the report already noticed of the interference of the Earl Temple, in communicating the sentiments of his Sovereign, respecting Mr. Fox's India bill. It occasioned a very warm debate, productive of much asperity and personal attack. On the one hand, the coalition was characterised as a corrupt confederacy of two desperate factions, to seize the government of the country; and the India bill was represented as an experiment made by Mr. Fox, with a view, if not to place the crown upon his own head, at least, to raise himself to a degree of power, superior to that of the Sovereign. On the other hand, the new ministers were branded as a body composed of the dregs and outcasts of parties, employed to fight the battles of secret and unconstitutional influence, to trample upon the power and dignity of the House of Commons, to establish a government of intrigue and favouritism, and to destroy the very principles of laudable ambition, and honourable service in the state. The resolution, after a discussion which lasted till seven in the morning, was carried by a large majority.

But these violent proceedings had not the effect of intimidating the minister, or of deterring him from the discharge of his duty. On the fourteenth of January, he moved for leave to bring in his bill for the better regulation of the government of India; and he prefaced his motion by an enlarged and luminous exposition of the principles, object, and provisions, of the bill; which he stated to be founded on the resolutions of the proprietors of India stock, which had appeared in the public papers, and to be formed with their perfect concurrence. He had not dared to digest a bill, without consultation, which was to violate chartered rights, sanctioned by parliamentary acts; he had not ventured to conceive, that any plan, which should erect, in this country, a system unknown to the constitution, would be ever embraced by any House of Commons, or that a scheme of new and uncontrollable influence, in the hands of new and unconstitutional characters, would be suffered to have an establishment; since such a scheme must give a death-blow to our frame of government. Objections had been started by Mr. Fox, before he had heard his plan, and adopted, by his followers with the same precipitation, and with the same decency: he had alleged, that his plan was calculated to give more influence to the Crown, than the bill which had been rejected, while it was not fraught with the same salutary consequences. Such were the imputations which had been brought against it before it was known; and the House were then to inquire into the truth of the assertion. He challenged the test of comparison, and he trusted to the candour of the House, even circumstanced as it then was, to their fairness and impartiality, that if they found the provisions of his bill as effectual, with less violence,—affording as vigorous a system of control, with less possibility of improper influence,—securing the possession of the east to the public, without confiscating the property of the Company,—and beneficially changing the nature of that defective government, without entrenching on the chartered rights of men, they would give him a manly, liberal, and successful support, without inquiring what party of men, or what side of the House, was to be maintained on the occasion. He trusted they would not approve his plan the less for being without violence, for being destitute of the rapacity, the grasping principle, the enormous influence, the inordinate ambition, the unconstitutional tendencies, of the rejected bill.

He then proceeded to unfold the general objects to be considered in the formation of a system of government for India ; the complicated concerns of Great Britain with our Asiatic settlements ; the civil and military government ; the commerce ; the vast territorial possessions, long acquired, but imperfectly settled ; claims to be ascertained ; interests to be divided ; the happiness of the natives ; the connection between the commerce and the territorial government ; and, last of all, the effects of the government of India on the government of Great Britain. These were the chief points for consideration ; and the House must admit, that they were most important.

He laid it down as a principle, that the imperial dominion of our territories in the east, should be placed under other control than that of the company of merchants in Leadenhall-street ; but the change ought to be effected with as little violence as possible ; it ought to be made, by the conviction of its propriety by the Company, and not by the compulsion of the Legislature. In this the proprietors agreed with him. It was first necessary, then, to establish an efficient control, and to place it in no hands but those of the genuine and legitimate executive power of the constitution. His next principle was, to leave the commerce, as much as possible, to the superintendence of the Company ; for commerce ought always to be left to the merchant, unshackled, unembarrassed by interferences, which might impede its current, and diminish its security. But, as the commerce of India was involved with revenue, it would be necessary to make a provision, in order to prevent the politics of that country from being affected by commercial regulations.

He had also studied how to prevent the constitution of this country from being affected by the government of India. It was here necessary to observe the strictest delicacy in fixing the nature, quality, and extent of the powers to be entrusted to the different governments in our Asiatic dominions. The servants in India must obey the controlling power at home ; but still, from the distance of that controlling power, care must be taken to arm them with such discretionary authority as should leave energy and vigour for all the purposes of good

and substantial government, sufficient to secure the happiness of the natives, as well as to protect the commerce and the possessions of the Company; but, at the same time, so limited as to restrain inordinate ambition, to crush oppressive rapacity, to extinguish the jobbing of adventure, and to establish true and equitable dominion.—He was fully aware that it was more easy to exhibit principles than to adopt provisions; but the exhibition of the former was necessary to supply the House with a criterion for judging of the latter. Mr. Pitt next explained his notions of the nature and degree of the control which should be exercised over the Company, and of the quarter in which it should be vested. The degree of control should amount to the government of the civil and military concerns, and of the revenue, and this was not a new species of control; for a control over the Company had already been established in the hands of government. But the former interference of ministers had not been beneficial, because it had not been active nor vigilant. He asked whether it was on that account that Mr. Fox, in his bill, had placed it in new hands? Was it on that account, that he had vested the control in the hands of a set of men, whose character was a monster and a novelty in the constitution? What security had Parliament that this new and unheard of board would have been more active and vigilant than a constitutional and executive board? Surely none but the character, the integrity, the intelligence, and the alacrity of the individuals who composed it. If men could be found, by the executive government of the country, equally endowed, he asked if the security, to the public, was not the same? The persons who had the control should be persons capable of giving time and attention to the objects of the trust; and they should have leisure for activity and exertion, that it might no longer be subject to the imputation of a sleepy and ineffectual control, but deserve the character of an active and efficacious one. For this purpose, however, the creation of new officers would, probably, be necessary, as the two Secretaries of State had already as much official business as they could well transact. Other assistance, then, should be joined to the minister, in order to expedite the affairs, that no delay or neglect might be experienced, at the same time that the control of the Crown was signified through a minister.

He therefore proposed, that a board should be instituted, to be appointed by his Majesty, consisting of one of the principal Secretaries of State, the Chancellor of the Exchequer for the time being, and a certain number of the Privy Council, not to attend precariously, as other Privy Counsellors, but to give regular attendance at the board, and to devote their time and study to its objects. A board thus constituted, would have the quality of activity and vigour. It would be derived, constitutionally, from the executive power; it would create no new office of emolument; it would load the subject with no fresh burden; it would be as efficacious as the proposed board of seven commissioners; only with this difference, that they would not be uncontrolled or uncontrollable; that they would not possess the whole of the patronage of the east, to the great danger of British liberty. The dispatches of the Company must be submitted to this board, and be made subject to the control of its members, who were to give their opinion in a reasonable and competent time, and to countersign the dispatches, by which a complete responsibility would be vested in them. This was no ambiguous system—it was clear, public, and administrative.

Mr. Pitt next proposed, that all the commercial dispatches of the Company should be submitted to the board, whose control should be signified in a reasonable and competent time. But the Court of Directors, if they agreed not with the opinion of the board, on the decision of the question, whether it had a political, or merely a commercial, tendency, might appeal to the King, in his council, whose decision should be final. Great ridicule was cast on this proposed appeal from the King's Privy Council to the King in council: but Mr. Pitt defended it, on the ground of its publicity; and declared the sincerity of his belief in its efficacy, as it was liable to form the subject of discussion in Parliament. This board was to be divested of patronage; it was to be a board of *political control*, and not a board of *political influence*. Mr. Pitt contrasted the constitution of this board with that of the board proposed by Mr. Fox. That was to seize on the rights, patronage, commerce, and property, of the Company. This left to the Company the uncontrolled possession of their commerce, their trea-

sure, their patronage, their contracts, and the appointment of their writers and cadets ; by which, in the course of things, all the officers and servants in India were in their immediate appointment. It was, however, contended by the Opposition, that this was a fallacy ; as the whole military patronage would almost, necessarily, follow the appointment of the Commander in Chief.

The principle upon which the minister proposed to found the government of India, was that of large discretion, accompanied with the restraint of responsibility, and subject to the orders of the Board of Control. On this subject, and on the formation of the councils in India, he entered into long and explanatory comments ; and then proposed a means for the correction of past, and the prevention of future, abuses ; by a revision of all the establishments in India, to see where retrenchments might be made with safety ; to see what were necessary, what were useful, and what, on account of their inutility, inconvenience, corruption, or abuse, ought to be extinguished. He also proposed that all appointments in India should take place by gradation and succession,—a sure means of preventing the exercise of undue influence, and of clipping the wings of patronage. His last proposition was, that a new tribunal should be created, for the trial of offences committed in India ; to consist of a number of eminent barristers, civilians, peers, and members of the House of Commons ; who were to be entrusted with very extensive powers, and to take cognizance of a very large description of offences.

Mr. Pitt delivered this plan as the result of the deliberate conviction of his own mind, and made up on the most serious consideration of the most intelligent men. He called upon the House to accept his ideas, if worthy their notice ; to strengthen them with their wisdom ; to mature them with their experience ; or, in their room, to establish a more adequate system.

Very little debate took place on the motion for leave to bring in a bill founded on these principles ; though Mr. Fox, and others, strongly objected to leave in possession of dominion, a set of men, who, it

was admitted, had been guilty of the most criminal abuses, merely for the purpose of subjecting them to the control of another. And the bill was represented, generally, as inadequate to the purposes which it proposed to achieve. It was read, a first time, on the sixteenth of January ; and the second reading was fixed for the twenty-third. On that day, accordingly, it was read a second time, but a long debate ensued on the motion for its commitment, on which it was opposed, on the grounds of its want of vigour and effect ; and of its want of permanency. Mr. Fox took the lead in opposition, and attacked the measure of his rival with his usual force, animation, and eloquence. Mr. Pitt defended the bill from the imputations cast upon it, and again contrasted it with that of Mr. Fox,—all the efficacy of which it possessed, without any portion of its defects. On a division, there appeared for the bill 214, and against it 222 ; so that it was lost by a majority of *eight*.

During these discussions, the Opposition had not, for a moment, lost sight of the main object of all their efforts. In the Committee on the State of the Nation, on the sixteenth of January, the House came to a resolution, in which, after repeating the substance of their former resolutions, moved by the Earl of Surry, they declared, that the continuance of the present ministers, in trusts of the highest importance and responsibility, was contrary to constitutional principles, and injurious to the interests of his Majesty and his people. It was in vain that the House were reminded of the injustice of pressing censures on ministers, who had performed no act to deserve it, and against whom no offence was even alleged. In vain was the declaration stigmatised as a daring assumption of the prerogative of the Crown, and a factious attempt, of a trifling majority, to nominate their own ministers : the question was carried by a majority of twenty-one. During this discussion Mr. Powis had expressed his wishes for a coalition of parties, but Mr. Fox declared that he would never act with Mr. Pitt, until he had resigned the situation which he had obtained by unconstitutional means ; and which he seemed disposed to maintain, in defiance of the House. Meanwhile, numerous addresses had been presented to the king, expressive of the highest satisfaction at the dismis-

sion of the late ministry, and of the greatest confidence in their successors. The Opposition, therefore, were fully apprised of the public opinion respecting their conduct and measures; but this knowledge only served to stimulate their exertions for the recovery of their power, through the medium of the House of Commons, and in defiance of the Crown; means, certainly as unconstitutional, for the acquisition of place, as any with which they reproached the ministers. At every meeting of the House attempts were made, by different members, to throw the minister off his guard, to make him break through that cautious reserve, and studied silence, which he had felt it his duty to oppose to their questions; and to goad him into some declaration of sentiment, or intention, of which they might take advantage. Hitherto those attempts had proved fruitless; but, after the rejection of the India bill, on the twenty-third of January, some very harsh and improper expressions being made use of by General Conway, who charged the minister with standing against the voice of the representatives of the people, by means of bribery, and by other dark and intricate acts, which, if the imputations were false, he was bound, for the sake of his own honour, to explain and refute, Mr. Pitt called him to order; and dared him to specify any instance in which the ministers had been guilty of bribery. It was an assertion which he could not prove, and ought not, therefore, to make. He begged the General would suffer him to be the judge of his own honour. He had not long been accustomed to the violence of that House, or to its harsh language; but he had been long enough accustomed to it to assure the House, that neither unsupported slander, nor intemperate invective, should discompose his mind. He would not condescend to answer interrogatories, which he did not think individuals entitled to put to him. It was inconsistent with his dignity, to attend either to their rash slanders, or their modest questions.

It was supposed, by the constant silence of the minister, that a dissolution of Parliament had been resolved on; but, on the twenty-sixth of January, the House passed a resolution, which induced Mr. Pitt to enter into an explanation of his conduct and intentions, and to remove those apprehensions of an immediate dissolution, which were

avowedly entertained by the majority. It was resolved, on the motion of Mr. Eden (now Lord Auckland) that it appeared to the House that his Majesty's most gracious answer contained assurances, upon which the House could not but firmly rely—that his Majesty would not, by the prorogation, or dissolution of Parliament, interrupt the House, in their consideration of proper measures for regulating the affairs of the East India Company, and for supporting the public credit and revenues of the country; objects which, in the opinion of his Majesty, of the House, and of the public, could not but be thought to demand the most immediate and unremitting attention of Parliament. He now declared, that, though he felt himself perfectly justified in refusing to give any answer to questions put to him by individual members, the case was widely different, when a question was put to him by the House. He then said, that he was under no difficulty with respect to the consequences of the motion, as the answer he should give would be such as to set the minds of gentlemen at ease. It was allowed, on all hands, to be his Majesty's undoubted prerogative to dissolve or prorogue Parliaments; and, as a minister of the Crown, he never would advise his Majesty to pledge himself by any promise, generally, and without any expression of limitation or qualification, not to exercise that prerogative. The answer adverted to in the resolution, did not bind the King to any thing more than barely not to prevent the meeting of Parliament after the recess. It was rather an indelicate and unusual way of proceeding, to put constructions, by way of resolutions, on the King's words, instead of pursuing the old parliamentary mode of address.

He stated his principal objection to the resolution to be, that it bound the King down to that unlimited and unqualified promise, that, in no possible or imaginable situation of affairs, he would resort to his prerogative, and prorogue or dissolve his Parliament; a promise which he, for one, would never advise his Majesty to make. But he admitted, that the proceedings of the House had, materially, altered the state of things; and, therefore, though he condemned the resolution, he had no hesitation to declare, that he would not advise his Majesty to prevent the proceedings of the House, either by prorogation or dissolution.

Mr. Fox, satisfied with this declaration, changed his battery, and reproved Mr. Pitt, in terms of marked severity, for remaining in office, after he had lost that indispensable requisite to every ministry, the confidence of the people. He charged him with having stolen into office by intrigue, and private whispers, and by springing the mine of secret influence. He asked him, in a taunting tone of triumph, whether he thought to erect the banner of secret influence there, in opposition to public confidence? or whether he could continue the unconstitutional minister of the Crown, against the voice of Parliament, and the spirit of the constitution?

The minister, in answer, observed, that he came into office to fulfil the duty which he owed to his Majesty, whose confidence he had not forfeited by any attempt to introduce any new power unknown to the constitution; and though he always would pay the most profound respect to the decisions of that honourable House, he did not know but he might incur the censure of Mr. Fox, by adding, that as the constitution vested in his Majesty the power of choosing his own ministers, it was not, properly, within the province of the House of Commons, to decide on the propriety of that choice; and he was sorry to find, that the determinations of the House had not, lately, been marked with all the attention which might have been expected to this constitutional doctrine. He complained of the severity of condemning the conduct of an administration, without any attempt to prove any one act of criminality. He considered himself much aggrieved: untried, unconnected, he lay under the censure of a resolution of that House; but he had, at least, the consolation to know, that in proportion as he and his colleagues were more tried, and better known, in the same proportion were they more approved, and more established, in the favour and confidence of the House, and of the people; with whom they, every day, rose in esteem and approbation. The charge of feeling himself superior to the House, was absurd; except, indeed, to think differently from a majority of the House, might bear that construction; and, if so, it was an imputation to which Mr. Fox himself had frequently been subject. He considered the resolutions of the House as by no means binding on the principles of an individual; the very bulwark of our consti-

tution was freedom of acting, and freedom of speaking; the control, then, of Parliament could not affect the free principles of acting, whereby liberty is to be prized.

Were he disposed to act as his opponents wished him to do, it would only be to make room for the introduction of a set of persons, who were lately dismissed, for a conduct which lost them the confidence of their Sovereign, as well as that of the people. As to the formation of an union, that might give stability to government, and reconcile all parties, which was the object of a wish so warmly expressed, he could be no enemy to it, if it could be accomplished in a way to give solidity to the union. Mr. Fox had insisted, as a preliminary, on the entire resignation of office by the present ministers; but though *he* possessed an employment of eminence, it was not one of choice; and he trusted, whenever a favourable opportunity offered, he should prove himself not to be tenacious of power, or desirous to cling to office; but he acted from patriotic, not from private, considerations: his duty obliged him to preserve his situation, till another arrangement should be formed, and not suffer the nation to remain in that state of anarchy which it had experienced on a former, and somewhat similar, occasion. If his opponents wished to treat on fair and public principles, he called on them to lay aside the trifles of etiquette and ceremony, which could answer no solid purpose; and to proceed on terms of candour; on which, alone, an union might be formed on a firm and permanent foundation.

During this time, the persons to whom Mr. Pitt alluded in his speech, as anxious to promote an union of parties, and among whom were several independent members of the House, met at the St. Alban's Tavern, and communicated their sentiments to the Duke of Portland, and to the Premier; but the former adhering to the preliminary measure of a resignation by the ministers, the attempt failed to produce the desired effect. In order, however, to second the exertions of these gentlemen, the Opposition contrived to keep the matter alive in the House of Commons, and to follow up their past resolutions with others of a more direct and pointed tendency. In a conversation in the House on the twenty-ninth of January, after Mr. Fox had repeated

his former invectives against ministers, for persevering to retain their situations, in opposition to the sense of the majority of the House, Mr. Pitt took occasion to observe, that the delicacy of his present situation required discretion ; that he was determined to sustain it with as much firmness and decency as he could ; that his resolution so to do, was the result of deliberation ; and that no invective or aspersion, which could be thrown out, should divert him from that line of conduct which he had already pursued. He did not believe there was a power vested in the House of Commons, for the control of the Prerogative. He rather thought, that each branch of the legislature was instituted for the purpose of securing the legal and constitutional exercise of the other branches. He hoped, therefore, that it would never be contended, that the Sovereign, in creating peers, or in choosing his ministers, must first ask leave of the House. He gave the most open and unqualified contradiction to the rash assertion of Mr. Fox, that there was then no government in the country. What, he asked, were ministers of no use, but to attend to their duty in Parliament ? Was there no official business to transact, of a public and national description, without the walls of the House of Commons ? And whether the measures and schemes, which depended on the assistance and concurrence of Parliament, were, or were not, suspended, he observed, other matters, however inferior they might be thought, certainly came under their inspection and control.

He reprobated the conduct of Mr. Fox, in dealing forth insinuations, instead of bringing forward facts ; and in indulging himself in scurrilous invectives, instead of preferring criminal charges ; which, if he had any foundation for his assertions, or any belief in the truth of them, it was his duty to do. If he really thought ministers were guilty, he ought to move an address to the Throne for their removal. Mr. Pitt treated all such threats with indifference ; declaring, with manly firmness, that nothing could be imputed to him, of which he had any reason to be ashamed. His heart, his principles, his hands were pure ; and while he enjoyed the conscious satisfaction of his own mind, no language of his opponent, no clamour, no artifice of party, no unfounded imputations, should affect him.

The attempt of the country gentlemen to form a coalition of parties, certainly originated in the most laudable desire to promote the good of the country ; but still parliamentary associations, formed for the purpose of doing only that which the constitution has assigned to other hands, should always be viewed with great jealousy. The object of the meeting at the St. Alban's was, in fact, to frame a ministry, without any knowledge of the will of the Sovereign ; or, at least, to force the Sovereign to receive such servants as the associated members, through the medium of the House of Commons, should deign to give him. And this deviation from all ordinary modes of proceeding took place, at a time when the line of duty to be followed by independent members of Parliament, was perfectly clear, and open to no mistake. It was their province to judge the ministers by their *measures* : to support those measures if they were good, and to oppose them if they were objectionable. The King had exercised his undoubted prerogative, in the choice of his servants, and it was their duty to respect that choice, until they should find reason, from the misconduct of the men, to condemn them as ministers. But they, unfortunately, observed a different conduct, and deploring those dissensions, all the evil effects of which it was in their own power to avert, by giving a constitutional support to the ministers of the Crown, they encouraged them, and prolonged their existence by extra Parliamentary resolutions, which ought not to have the smallest weight, under such circumstances, but which they laboured to render effectual, by giving their votes to the Opposition. The *tendency*, then, of their proceedings, at this political crisis, was pernicious, however praise-worthy their *intentions* might be.

On the second of February, one of the members of this association, Mr. Grosvenor, expatiated on the mischievous effects of such dissensions as then existed, and moved, that it was the opinion of the House, that the present arduous and critical situation of public affairs required the exertion of a firm, efficient, extended, united administration, *entitled to the confidence of the people*, and such as might have a tendency to put an end to the unfortunate divisions and distractions of the country. A former resolution had declared, that the ministers had not the confidence of the *House of Commons*, of which the House itself was,

unquestionably, the most competent judge: and this, though professing greater moderation, went still farther, and asserted, though not in terms, by direct implication, that they enjoyed not the *confidence of the people*, which was, manifestly, untrue; as the voice of the nation, expressed in numerous addresses, and in all the vehicles of public information, most abundantly testified. But it was not to be expected, in the temper which the majority of that House had so frequently displayed, and when the country gentlemen threw their weight into the scale of Opposition, that any motion of this kind, however objectionable in its nature, or in its tendency, would be rejected. It was, accordingly, adopted, after a very short discussion; and was immediately followed by another motion from Mr. Coke; which affirmed, that the continuance of the ministers in office was an obstacle to the formation of a firm, efficient, extended, and united administration. A debate ensued on this motion, in which the Opposition contended, that the popularity which they were compelled to admit the new ministers enjoyed (thus falsifying the resolution which they had just passed, in a very material point) had been acquired by fraud and delusion. Mr. Powis, one of the members of the association before alluded to, declared his disapprobation of the votes of censure already inserted in the Journals of the House, which he wished to be expunged; but, if his wish could not be gratified, he should vote for the motion. The inconsistency of this declaration was happily exposed by Mr. Pitt, whose eloquence, however, was exerted in vain; for the motion was carried by a majority of nineteen, 223 having voted for it, and 204 against it.

In a subsequent debate, or rather conversation, on the eleventh of February, Mr. Fox did not scruple to assert, *that the House of Commons had, and ought to have*, a real and substantial negative in the nomination of ministers of state; but as he did not say on what authority he founded this strange assertion, a simple contradiction was the only answer of which it was *then* deemed worthy, or which it can *now* be necessary to give it. The existence of such a right, it is evident, would render the House of Commons superior to the Crown; and so destroy the well-cemented fabric of the constitution. Some farther efforts were

made, by the association, to promote an union of parties, but with no effect ; and, on the eighteenth of February, Mr. Pitt informed the House, that his Majesty had not thought proper to dismiss his ministers, and that his ministers had not resigned. This communication produced a very warm debate, in which the Opposition represented the conduct of the Crown as a violation of those privileges which they called upon the House to support ; reminding them at the same time, that the power of granting or refusing the supplies was the constitutional shield of their authority ; to which, if it should, at last, be found necessary, they were bound to have resort. It was, in consequence, proposed, that the supplies for the service of the ordnance, which were to be considered that day, should be postponed to the Friday following. It was, on the other hand, contended, in the first place, that a very unfair advantage had been taken of the communication made by Mr. Pitt to the House, which had been reasoned upon, as if it were a direct communication from the Throne, in answer to the resolutions of the House ; whereas it was simply an explanation by the minister, which he had deemed it fair and proper to make, previous to the expected debate, in order that the House might clearly understand, that the ministers stood precisely in the same situation in which they were, when these resolutions were passed. Mr. Pitt then adverted to the attempt which was made to give a colour and disguise to the extraordinary measure of putting off the supplies, as if it had been adopted only in consequence of some new and unforeseen event. But allowing, for the sake of argument, what could only be *so* allowed, the truth of this pretext, he denied its efficacy in concealing what the smallest portion of discernment was sufficient to penetrate. The supplies were, to all intents and purposes, *stopped*. Mr. Fox had affected to use a different word ; but the public would see that the trick attempted to be put upon them, and upon the House, was too shallow to have effect. The right of the House of Commons to withhold the supplies, *whenever the circumstances of the case would justify such a measure*, no man would venture to doubt. But the true question, whether the existing circumstances were such as to afford the necessary justification, the minister declared himself as anxious to meet, as his opponents were solicitous to avoid ; and he challenged them to

throw off their reserve, to cast away their pretexts, and to meet it fairly, openly, and without disguise or subterfuge ; for, in that discussion, the different motives of the contending parties would be unfolded, and, from the temper and principles of the House, he was persuaded, that they would be shy indeed, in the present state of the country, to withhold those supplies on which the harmony and energy of government depended, and for which the national faith was pledged.

Mr. Pitt deprecated the personal appeals to himself; observing, that there were points, in personal honour, which no man of spirit could, for any object whatever, forego ; and, whatever his connections or attachments might be, he hoped never to forfeit feelings, without which, he could not, consistently, retain any opinion of himself. He therefore declared, once for all, that he considered his personal honour deeply and inseparably concerned in the situation which he then held, and that he would not, on any account, or by any means, first resign, and then stoop to negotiate ; that was, leave his place, in order to make part of a new administration. He would not so trifle, either with his own honour, or with his Majesty's confidence. These he declared to be his ultimate sentiments, on a subject on which he had been so frequently pressed. The question for postponing the supplies was carried, on a division, by 208 votes, against 196, leaving a majority of *twelve* against the ministers.

During this singular struggle in the House of Commons, in which points of much more importance than the continuance or dismissal of any set of ministers were deeply involved, the House of Lords had, for some time, taken no step which indicated an inclination to interfere in the dispute. It would, however, have been most extraordinary, and, indeed, would have evinced either a strange misconception, or a culpable neglect, of duty, if they had persevered in such passive conduct to the end of the session, and so have left the public in perfect ignorance of their sentiments on great constitutional questions, which struck at the very vitals of that system, of which they had been constituted the hereditary guardians. In discussions, tending to

restrain, if not to destroy, the lawful prerogative of the Crown, on the one hand ; and to assign to the democratic part of the constitution, a new and unheard-of power, on the other, it was the peculiar province of the House of Lords, appointed for the preservation of a just equilibrium in the state, not only to take a deep interest, but a decided part. Impressed, no doubt, with this truth, they, at length, broke silence ; and, on the fourth of February, the Earl of Effingham moved two resolutions, in opposition to those which had passed the House of Commons, on the twenty-fourth of December, and on the sixteenth of January ; the first of which had forbidden the Lords of the Treasury to exercise the discretion vested in them by law, to accept bills from India ; and the last of which interfered with the prerogative of the Crown, by protesting against the continuance of the present ministers in office. Lord Effingham moved, first, “ That an attempt, in any one branch of the legislature, to suspend the execution of law, by separately assuming to itself the direction of a discretionary power, which, by act of Parliament, is vested in any body of men, to be exercised as they shall think expedient, is unconstitutional.” And, second, “ That, by the known principles of this constitution, the undoubted authority of appointing to the great offices of the executive government is solely vested in the King ; and that the House has every reason to place the firmest reliance on his Majesty’s wisdom, in the exercise of this prerogative.” These resolutions, as far as they are declaratory of constitutional principles, may be considered as admitting neither of contradiction nor of debate. A debate, however, ensued upon them ; and the first was resisted by several peers, on the ground that the House of Commons were peculiarly entrusted with the superintendence of all matters of revenue and finance, and had ever disputed the right of the House of Lords to interfere in such concerns. If there were any force in this objection, it might be carried much farther ; for, on the same principle, the House of Commons might be justified in forbidding the ministers of the Crown to apply the supplies to the purposes to which they had been appropriated by law. In the one case, the law had vested a discretion in the Lords of the Treasury to accept bills from India ; in the other, it empowered the officers of the Crown to appropriate the supplies to particular services ; and

if the House of Commons have a right to suspend the discretion in the first instance, they must have the same right to control the power in the last. Both being sanctioned by the same authority, must be equally exempt from repression, or equally subject to restraint. But to admit the existence of a right in any one part of the legislative body, to suspend an act, for the formation of which the concurrence of the whole is requisite, is to violate one of the most obvious of all constitutional principles, and to introduce disorder and misrule into a system, justly celebrated for its harmony and its efficacy.

No attempt was made to deny the truth of the second resolution, considered as an abstract proposition ; but if it were intended to lead to no consequences, it was perfectly nugatory, and utterly unworthy to occupy the time of the House ; and if it were meant as a censure on the Commons, it would produce discord between the two Houses, and occasion a dissolution of Parliament. In answer to these objections, the Chancellor, alluding to the first resolution, insisted that the order of the House of Commons to the Lords of the Treasury was a peremptory order, which that House had no right to issue in contravention of the law of the land. If he had been a Lord of the Treasury, he would not have obeyed it ; and his disobedience would have been founded on this plain principle, that nothing short of an act of parliament, formally passed, by the King, Lords, and Commons, had the power of suspending any part of the statute, or the common law of England. On the second resolution, in answer to the plea, that the House of Commons had a right, by the spirit of the constitution, to control the choice of a minister, the Lords who advanced it, were called upon to support it by proof ; and the existence of any such right was denied in the most pointed and positive terms. On a division, the resolutions were supported by one hundred against fifty-three.

The majority of the House of Commons had too much to lose by a contest with the House of Lords, at this critical juncture, when their object was to force themselves into power, and when, for that purpose, it was their interest to conciliate friendship, and not to provoke en-

mity, to adopt any violent proceedings in consequence of these resolutions. Nor, indeed, was it by any means certain, that the country gentlemen, who held the scales in their own hands, would, on such an occasion, make them preponderate in their favour. Another motive, too, must have had considerable weight with them; for they could not but be conscious, at least many of them, that they had greatly exceeded their powers, and that the voice of the country was, decidedly, against them. They, therefore, made a virtue of necessity, and contented themselves with appointing a Committee, to examine into the usage of either House of Parliament, in regard to the interposing in the exercise of discretionary powers, vested in the servants of the Crown, or in any body of men, for public purposes. A report was made by this Committee, and resolutions, to the following effect, were passed by the House: That the House had not assumed to itself a right to suspend the execution of the law; that for them to declare their opinion, respecting the exercise of any discretionary power, was constitutional, and agreeable to established usage; and that it was a duty incumbent upon them to watch over, and endeavour to prevent, the rash and precipitate exercise of any power, which might be attended with danger to public credit, and loss to the revenue. These resolutions referred to the first, passed by the Lords. But they display a subterfuge utterly unworthy a deliberative public body. If the House did not mean, by their resolution of the twenty-fourth of December, to prevent the Lords of the Treasury from doing that which the law had authorised them to do, the arguments used in the House of Peers, in their favour, might, with great propriety, be pressed against them. The resolution was, in that case, nugatory; and the discussion which preceded its adoption, an idle waste of words. But the truth is, that it was intended to operate as a positive order: and had the order been disobeyed, during the existence of that House, it is perfectly clear, that all the punishment which *could be* inflicted, would have been experienced by the Lords of the Treasury. Indeed, during the progress of these discussions, the criminality of acting in opposition to the declared sentiments of the majority of the House of Commons, had been too frequently insisted upon, and urged with too much vehemence, to leave a doubt upon the subject. They did not mean to pass *nugatory*,

but *effective* resolutions ; and, in this instance, they could be only *effective* when considered as *orders*.

The House farther resolved, that the resolution of the twenty-fourth of December constituted a judicious and regular discharge of an indispensable duty ; that, had the House neglected to make a similar provision in the critical situation of public affairs, they must have been responsible to their constituents for the most alarming consequences ; and that the House would, moderately and firmly, assert their privileges, and persevere in the conscientious discharge of what they owed to the nation and to posterity. None of these resolutions applied to the second resolution of the Lords, which was, evidently, intended to deny the existence of a right in the House of Commons to demand the dismissal of ministers (which they virtually did by their resolution of the sixteenth of January) against whom they could allege no one criminal act, nor even one solitary instance of misconduct. The Commons then, from a consciousness of their inability to support such a right, prudently, though not honourably, evaded the question ; and here the matter ended.

The stoppage of the supplies was a measure which savoured too much of party violence, to please those country gentlemen, who, with more zeal than wisdom, had combined to produce a second coalition. As Mr. Pitt had, indirectly, declared, that he would never coalesce with Lord North, that nobleman had frankly resigned all pretensions to any share in the new ministry, which it was proposed to form, and the country gentlemen had returned him their formal thanks. Having removed this obstacle, they now resolved to take the lead in the future discussions on this important subject ; and, while they suffered the supplies to pass in their usual course, to move such resolutions as, in their estimation, were calculated to produce the desired change. They were very short-sighted, however, in their calculations, for it required but little penetration to perceive, that Mr. Pitt was resolved to support the lawful prerogative of his Sovereign ; and that the only obstacle which had interposed to prevent him from advising his Majesty to dissolve his Parliament, was the necessity which existed for

previously passing the Mutiny Bill, and for providing the necessary supplies for the year. He had so far succeeded in the accomplishment of his object, as to reduce the majority to this dilemma : either to refuse the supplies, a measure which must have exposed them to the indignation of every true friend to his country ; or else, by granting them, to enable the King, without inconvenience, to dissolve the Parliament. It was understood, that a meeting had been held at the house of a nobleman, at the head of the Opposition, at which the expediency of refusing the supplies was seriously discussed : it was determined, however, in the negative ; and, indeed, the resolution of the country gentlemen not to concur in such a measure, must, of necessity, have rendered any determination of a contrary nature perfectly nugatory.

In pursuance of the plan now adopted, Mr. Powis moved an Address to the Throne, in which the House expressed their reliance on his Majesty's royal wisdom, that he would take such measures as might tend to give effect to the wishes of his faithful Commons, which had been already most humbly presented to his Majesty. This language was sufficiently plain, without transgressing the bounds of decorum ; but, in order to render it more pointed, though not more plain, the Opposition resolved to point out the means by which they wished this effect to be produced ; and, on the motion of Mr. Eden, therefore, they added the following words to the address— “ by removing any obstacle to the formation of such an administration as the House had described to be requisite, in the present critical and arduous state of public affairs.” In the discussion which this motion produced, Mr. Fox contended, that the people were deluded ; that their true voice was to be found in the House of Commons ; and that Mr. Pitt was a mere nominal minister ; the mere puppet of secret influence. Mr. Pitt repelled the insinuation, and confuted the charge. He renewed his declaration, that, could the peace and happiness of the country be at all promoted by his resignation, he would instantly resign. But he would not resign as a preliminary to negotiation. He, successfully, exposed the fallacy of Mr. Fox's arguments, and the contradictions into which he perpetually fell ; and he assured him, that he would never consent to become *his* puppet, nor to exchange the confidence of his Sovereign

for *his* protection. He avowed himself the friend of the King's just prerogative. Prerogative had been justly called a part of the rights of the people ; and sure he was, that it was a part of their rights which the people were never more disposed to defend ; of which they were never more jealous than at that hour. If it were once granted, that the House of Commons had a negative in the appointment of ministers, the executive power should be transplanted into that House. He called upon the Opposition, not to deal forth insinuations, but to speak out ; not to pass resolution after resolution, without stating the grounds on which they acted ; for there was nothing more dangerous among mixed powers, than that one branch of the legislature should attack another by means of hints and auxiliary arguments, urged only in debate, without daring to avow the direct grounds on which they proceeded, and without daring to state, in plain terms, on the face of their resolutions, what the motives were, and what the principles, which led them to adopt such resolutions. He pointedly asked, if the constitutional independence of the Crown were thus reduced to the very verge of annihilation, where was the boasted equipoise of the constitution ? where the balance among the three branches of the legislature, which our ancestors had measured out to each with so much precision ? where that independence—nay, where even the safety, of any one prerogative of the Crown, or even of the Crown itself, if its prerogative of appointing ministers was to be usurped by the House of Commons, or if (which was precisely the same thing) its nomination of them was to be negated by the House, without stating any one ground of distrust in the men, and without suffering themselves to have any experience of their measures ? “ Dreadful, therefore,” said Mr. Pitt, with the decisive tone of animated firmness, “ as the conflict is, my conscience, my duty, my fixed regard for the constitution of our ancestors, maintain me still in this arduous situation. It is not any proud contempt of the constitutional resolutions of this House ; it is no personal point of honour ; much less is it any lust of power, that makes me still cling to office : the situation of the times requires of me, and, I will add, the country calls aloud to me, that I should defend this castle ; and I am determined, therefore, I WILL defend it.”—Though from the firmness and decision displayed by Mr. Pitt, in this debate, it was

perfectly clear that the proposed address could be of no avail, the Opposition divided the House upon it, and carried it by 197 votes to 177.

The address was presented to the King, on the twenty-fifth of February, and, in his answer delivered on the twenty-seventh, his Majesty assured the House of his earnest desire to put an end to the divisions and distractions of the country ; declared that he should be always anxious to take every step most conducive to the attainment of such an object ; but he could not see that it would in any degree be advanced by the dismissal of his present ministers. He observed also, that there was no charge or complaint urged against them, nor was any one or more of them specifically objected to ; and numbers of his subjects had expressed to him the warmest satisfaction at the late changes which he had made in his councils. Under these circumstances, he trusted that his faithful Commons would not wish, that the essential offices of executive government should be vacated, until he saw a prospect that such a plan of union, as he had called for, and as they had pointed out, might be carried into effect. This answer was taken into consideration on the first of March, when Mr. Fox expressed his dissatisfaction with it, in those strong terms which he was accustomed to employ, and concluded with moving, that an humble address should be presented to his Majesty, most humbly to represent the satisfaction of his faithful Commons, at the assurance that his Majesty concurred with them in opinion, that it concerned the honour of his Crown and the welfare of his people, that the public affairs should be conducted by a firm, efficient, extended, united administration, entitled to the confidence of his people, and such as might have a tendency to put an end to the unhappy divisions and distractions of the country ; to acknowledge his Majesty's paternal goodness, in his late most gracious endeavours to give effect to the object of their late dutiful representation ; to lament, that the failure of these, his Majesty's most gracious endeavours, should be considered as a final bar to the accomplishment of so salutary and desirable a purpose ; and to express their concern and disappointment, that his Majesty had not been advised to take any further steps towards uniting, in the public service, those,

whose joint efforts had recently appeared to his Majesty most capable of producing so happy an effect ; that the House, with all humility, claimed it as their right, and, on every proper occasion, felt it to be their bounden duty, to advise his Majesty, touching the exercise of any branch of his royal prerogative ;—that they submitted it to his Majesty's royal consideration, that the continuance of an administration, which did not possess the confidence of the representatives of the people, must be injurious to the public service ;—that the House could have no interest distinct and separate from that of their constituents, and that they therefore felt themselves called upon, to repeat these loyal and dutiful assurances which they had already expressed, of their reliance on his Majesty's paternal regard for the welfare of his people, that his Majesty would graciously enable them to execute those important trusts, which the constitution had vested in them, with honour to themselves, and advantage to the public, by the formation of a new administration, appointed under circumstances which might tend to conciliate the minds of his faithful Commons, and give energy and stability to his Majesty's councils ;—that, as his Majesty's faithful Commons, upon the maturest deliberation, could not but consider the continuance of the present ministers, as an insurmountable obstacle to his Majesty's most gracious purpose to comply with their wishes in the formation of such an administration as his Majesty, in concurrence with the unanimous resolutions of that House, seemed to think requisite in the present exigencies of the country, they felt themselves bound to remain firm in the wish expressed to his Majesty in their late humble address, and did, therefore, find themselves obliged again to beseech his Majesty, that he would be graciously pleased to lay the foundation of a strong and stable government, by the previous removal of his present ministers.

The motion for this address gave rise to a very long and animated debate, in which Mr. Fox and General Conway took the lead on one side, and Mr. Pitt and Sir William Dolben on the other. All the constitutional points which had already been discussed so often, respecting the prerogative of the Crown, and the rights of the House of Commons, were once more argued, with equal ability and warmth. Mr. Pitt, on this

occasion, declared, that his education, his habits, his opinions, and his pursuits, had all combined, to make him value and support, the rights and dignity of the House of Commons. But, at the same time, he felt it equally his duty to maintain and uphold the just and constitutional prerogatives of the Sovereign.—It having been urged as a charge against the ministers, that their predecessors had been dismissed against the sense of the House, Mr. Pitt asked, what was the meaning of such a charge? To what conclusion did the argument lead, when followed up? Did it not fairly admit of this comment,—that it was improper for his Majesty to dismiss his ministers, provided they were approved of by the House of Commons? and that, so long as they acted agreeably to its sentiments, so long, and no longer, were they to enjoy the patronage of the Crown, and retain the offices of administration? Was that a decent treatment of the prerogative? was that constitutional doctrine? was it not degrading the dignity of the Sovereign? was it not transferring the prerogatives of the Crown to the House of Commons, and placing the royal sceptre under the mace that lay on the table? The constitution of this country was its glory. But, in what a nice adjustment did its excellence consist? Equally free from the distractions of democracy, and the tyranny of absolute monarchy, its happiness was to be found in its mixture of parts. He pronounced a warm, but just panegyric, upon the form of our government, pointed out its peculiar excellencies, and traced its happy effects. He then mentioned, that it was the intention of the address to defeat and destroy the whole system,—to arrogate a power which did not belong to the House of Commons,—to place a negative on the exercise of the prerogative, and to destroy the balance of power in the government, as settled at the Revolution.—The address was carried by a majority of *twelve*.

On the fourth of March, this address was presented to the King, who, in his answer, observed, that he had already expressed to the House, how sensible he was of the advantages to be derived from such an administration as was pointed out in their unanimous resolutions, and had assured them of his desire to promote such an object. He still cherished the same sentiment, but he conti-

nued equally convinced, that it was an object not likely to be obtained by the dismissal of his present ministers. He must repeat, that no charge or complaint, or any specific objection, had yet been made against any of them. If there were any such ground for their removal at that time, it would be equally a reason for not admitting them as a part of that extended and united administration, which the Commons stated to be requisite. He did not consider the failure of his recent endeavours as a final bar to the accomplishment of the purpose which he had in view, if it could have been attained on those principles of fairness and equality, without which it could neither be honourable to those who were concerned in it, nor lay the foundation of such a strong and stable government, as might be of lasting advantage to the country. But he knew of no farther steps which he could take, that were likely to remove the difficulties which obstructed that desirable end. He had never called in question the right of his faithful Commons to offer their advice on every proper occasion, touching the exercise of any branch of his prerogative. He should be ready, at all times, to receive it, and to give it the most attentive consideration; they would find him ever disposed to shew his regard to the true principles of the constitution, and to take such measures as might best conduce to the satisfaction and prosperity of his people.

This was the kind of answer which the House might naturally have expected from the King; because it was perfectly consistent with his past declarations, and with the whole tenor of his conduct; and because there was not the shadow of a probability, that the cabinet would advise his Majesty to hold different language at St. James's, from that which his ministers had uniformly holden in Parliament. The House took three days to consider of their reply, and then, on the eighth of March, drew up a long *remonstrance*, which they ordered to be presented to the King.

In this remonstrance, they testified their surprise and affliction at not having received a different answer; and expressed their concern that his Majesty should still be induced to prefer the opinions of individuals, (meaning his cabinet ministers, to whom alone responsibility

could attach for their advice) to the repeated advice of the representatives of his people in Parliament assembled, with respect to the means of attaining an end which his Majesty had admitted to be desirable. They represented that a preference of this nature was as injurious to the true interests of the Crown, as it was wholly repugnant to the spirit of our free constitution. They compared his Majesty's conduct, on the present occasion, with that of former monarchs, who had suffered themselves to be governed by *favourites*; adverted to the bad consequences of such an exploded system, and contrasted it with the system pursued by the princes of the House of Brunswick, who had commanded the respect and admiration of all the nations of the earth, by a constant and uniform attention to the advice of their Commons, however adverse such advice might have been to the opinions of the executive servants of the Crown. They admitted his Majesty's right to choose his own ministers, but observed, that no administration, however legally appointed, could serve his Majesty, and the public, with effect, which did not enjoy the confidence of that House; and in the existing administration they could not confide. The circumstances under which it was constituted, and the grounds upon which it continued, had created just suspicions in the breasts of his faithful Commons, that principles were adopted, and views entertained, unfriendly to their privileges, and to the freedom of our excellent constitution. They alleged, as the reason why no specific charge had been preferred against the ministers, that their object was *removal*, and not *punishment*: and they conceived themselves warranted, by the ancient usage of the House, to desire such removal, *without making any charge whatever*. Confidence might, in their opinion, be very prudently withheld, where no criminal process could properly be instituted. And, although they had preferred no criminal charge against any individual of his Majesty's ministers, yet, they apprehended that they had stated to his Majesty, *very distinct objections*, and *very forcible reasons*, against their continuance. As to the propriety of admitting either the ministers in question, or any other persons, as a part of that extended and united administration which his Majesty, in concurrence with the House, considered as requisite, it was a point on which they were too well acquainted with their duty to presume to offer any ad-

vice to his Majesty ; well knowing it to be the undoubted prerogative of his Majesty, to appoint his ministers without any *previous* advice from either House of Parliament ; while it was their duty humbly to offer their advice, when such appointments should appear to them to be prejudicial to the public service.

They then proceeded to state, that the consolation which they had derived from his Majesty's gracious disposition, was considerably abated by the consideration, that his advisers had not suggested any farther steps for removing the difficulties which prevented the formation of a new ministry ; and they reminded their Sovereign, that they themselves could only have his interests, and those of their constituents, in view, while individual advisers, (ministers) might be actuated by very different motives. They expressed their gratitude to him for his recognition of their right of advice ; but his gracious expressions not a little contributed to increase their suspicions of the men who had advised his Majesty, *in direct contradiction to his assurances*, to neglect the advice of his Commons, and to retain in his service an administration, whose continuance in office they had so repeatedly and distinctly condemned.

They next brought to his Majesty's recollection, that it had been the ancient practice of the House of Commons, to withhold supplies until grievances were redressed ; and, that if they were to follow that course, in the present conjuncture, they should be warranted in their proceeding, as well by the most approved precedents, as by the spirit of the constitution itself. Having used this threat, however, for in no other light could it be considered, they hastened to disclaim all intention of carrying it into execution, observing, that if, in consideration of the very peculiar exigencies of the times, they should be induced to waive, *for the present*, the exercise, in this instance, of their undoubted legal and constitutional mode of obtaining redress, they implored his Majesty not to impute their forbearance to any want of sincerity in their complaints, or to any distrust in the justice of their cause.

They ascribed the past prosperity of the country, to the harmony which, for a century, had uniformly subsisted between the Crown and

the House of Commons ; they considered the continuance of that harmonious system, as alone adequate to rescue the country from the difficulties which pressed upon it ; and they regarded the continuance of the existing administration, as *an innovation* upon that happy system. They consoled themselves, for their disappointment, in the consciousness of having done their duty to the King, and to their constituents, by pointing out the evil, and by imploring redress ; and they cast the whole blame and responsibility upon those who had advised the King *to act in contradiction to the uniform maxims which had hitherto governed his conduct, as well as that of every other prince of his illustrious House* :—upon those who had disregarded the opinions, and neglected the admonitions of the representatives of his people, and who had thereby attempted to set up a new system of executive administration, which, wanting the confidence of the House of Commons, and acting in defiance of its resolutions, must prove at once inadequate, by its inefficiency, to the necessary objects of government, and dangerous, by its example, to the liberties of the people.

By their perseverance, the House of Commons had placed the King in a very extraordinary situation ; for, if he had complied with the advice contained in their repeated resolutions, all of which centered in one object—the dismissal of the present ministers—he must have acted in direct contradiction to the resolution of the House of Lords, who, by a considerable majority, had expressed their satisfaction at the mode in which his Majesty had exercised his prerogative. The last remonstrance of the Commons affected the language of humility, while, in sentiment and effect, it was threatening, arrogant and commanding. The reference to the reigns of those weak monarchs, who had, in former times, surrendered their judgment, and their power, to the custody of capricious, artful, and ambitious favourites, being utterly irrelevant, could only be regarded as insulting.—There was no analogy whatever, between the cases to which they referred, and the subject on which they remonstrated. The King, in the present instance, reposed his confidence in no favourite, but in a constitutional ministry, legally appointed, and responsible for their measures, and for their advice.—It was rather extraordinary, too, that a reference

should be made to practices antecedent to the revolution, by a confederacy of whigs, to a Prince of the House of Brunswick!—Nor was there any greater analogy between the periods to which they alluded, (though they wisely forbore to specify any particular time) when the advice of the House had been preferred by the Crown to the opinions of the cabinet, and the present occasion; because, in no instance recorded in history, did the House of Commons ever call upon the King to dismiss his ministers, without alleging against them some act of gross misconduct, or some proof of personal incapacity. How ancient usage, therefore, could be said to warrant the demand of dismissal, without the exhibition of a single charge, it is not very easy to conceive. By the terms in which they spoke of the neglect with which their advice had been treated, and by their allusion to the ancient practice of refusing the supplies, most exercised by the regicides, in the reign of our first Charles) it is evident that they wished to give to their advice the *effect* of a command, notwithstanding the humility of their language, and the loyalty of their professions; and, indeed, if the King were reduced to the necessity of dismissing ministers, who enjoyed his confidence, on the mere application of a majority of the House of Commons, or else, were to be deprived of the means of supporting his government, and of providing for the necessities of the state, his prerogative of choosing his own servants would be a mere nullity, and the nomination of ministers would, in fact, be transferred to the House of Commons. They first render the ministers inefficient, by an act of their own, in a systematic opposition even to measures about which no difference of opinion could exist, (such as the mutiny bill) and then make that inefficiency a ground of complaint. And, lastly, they represent their continuance in office as dangerous to the liberties of the people, while they exert every effort to prevent the King from making an appeal to his people, and, by that means, to collect their sentiments, in a constitutional way, respecting the exercise of his prerogative, and the merits of his servants. It was not, then, a matter for surprise, that a remonstrance of such a description should alarm some of those who had hitherto given their support to Opposition. On a division, it was carried only by *one* vote,—*one* hundred and ninety-one having voted for it, and one hundred and ninety against it.

It was natural that this division should discourage the party from any farther exertions for the recovery of their lost power. The mutiny bill was passed, without opposition, on the tenth of March. As a speedy dissolution was expected, the minister was goaded in every possible way, with a view to extort from him a disclosure of his intentions. But sarcasm, taunts, raillery, and invective, every species of weapon, and every mode of attack were employed in vain. Having fully and repeatedly explained his sentiments on every point at issue, he resolutely abstained from all needless discussion, and preserved an inflexible silence. All the supplies having been regularly voted, and no measure of indispensable necessity remaining to be carried, the King, on the twenty-fourth of March, prorogued his Parliament. In his speech from the Throne, on this occasion, his Majesty declared, that he felt it to be a duty which he owed to the constitution, and to the country, to recur, as speedily as possible, to the sense of his people, by calling a new Parliament. He expressed his confidence in the tendency of such a measure to obviate the mischiefs arising from the unhappy divisions and distractions which had lately subsisted, and trusted that the various important objects which required consideration would be afterwards proceeded upon with less interruption, and with happier effect. He could have no other object, but to preserve the true principles of our free and happy constitution, and to employ the powers entrusted to him by law, for the only end for which they were given—to the good of his people. On the evening of the next day, March twenty-fifth, the Parliament was dissolved by proclamation.

CHAPTER IV.

General Reflections on Mr. Pitt's Conduct—Views and proceedings of the Whig Party—Mr. Pitt placed in a very peculiar situation—Memorable remark of Lord Chatham respecting his brother—Mr. Fox's doubts of the sincerity of Mr. Pitt's wishes for a coalition of parties removed by Mr. Dundas—The dissolution of Parliament not necessarily an appeal to the people—Meeting of the New Parliament—A great majority in favour of the ministry—Extraordinary remonstrance against the late dissolution, read in the House of Commons by Mr. Burke—Reflections on the same—Means for preventing frauds on the Revenue—The Commutation Act—Preliminary measures for the relief of the East India Company—Bill for the regulation of the Government of India—Debates thereon—Provisions for the trial and punishment of Asiatic delinquents disapproved—Mr. Pitt's just views of chartered rights—Objections to the whole plan by the Opposition—Mr. Fox's sentiments on the subject—Different conduct of Mr. Pitt and Mr. Fox respecting Indian affairs—Investigation of public accounts—Mr. Pitt adopts a new mode of disposing of the Loan—Beneficial effects thereof—Supplies—Ways and Means—Mr. Dundas's bill for the restoration of the forfeited estates in Scotland—Arguments in support of it—Reflections on the measure—Passes the House of Commons.—Is opposed by Lord Thurlow—Ground of his opposition not tenable—Receives the Royal Assent—Session closes.

[1784.] The arduous struggle which Mr. Pitt had so long sustained, in his ministerial capacity, with a majority of the House of Commons, could not fail to impress the nation with a very high sense of those intellectual endowments which he had exerted with so much perseverance, and with so much effect. The situation in which he was placed was almost without example, in the parliamentary history of the country. All the whig interest, at that time extremely formidable, although somewhat deranged by the death of the Marquis of Rockingham, had been employed to prevent, first, his accession to power, and, afterwards, his continuance in office.—Confident in their numbers, and relying on the critical state of public business, the leaders of that party formed the bold project of driving him from the helm, and of recovering the reins of power for themselves. They concluded, (though contrary to the opinions of some of our best law-

yers) that no dissolution could take place, until the mutiny bill had passed, and the supplies had been granted; and they hoped to make these acts the condition with their Sovereign, of the continuance of his Parliament. Putting the end and purpose for which they were appointed to their seats, entirely out of the question, they were intent, solely, on the promotion of their own political interests, and the attainment of their own immediate object. The classic eloquence, and sportive wit of a Burke, the strong sense, and pointed rebukes of a Fox, the manly reasoning, and direct censures of a North, with the eccentric genius, and sarcastic raillery of a Sheridan, were all directed to this one point. The successful resistance of these efforts, then, required a combination of all the best of those varied qualities, together with a consistency of principle, a strength of conscious rectitude, and an unshaken firmness of mind, without which the most valuable endowments, under such circumstances, would have been of little avail. Happily for himself and for his country, Mr. Pitt possessed those requisites; and they enabled him to oppose, with effect, every attempt to betray him into hasty and inconsiderate pledges, or into any unconstitutional compromise of the royal prerogative. Having clearly ascertained the strait path of duty, he resolved to pursue it with inflexible perseverance; he knew, indeed, that the Commons had the *power* to stop the supplies, and to throw the government into confusion; but he did not believe that the noblemen of the whig party, among whom were some men of the first families, and of the first respectability in the kingdom, could be brought to assent to the adoption of such violent and unconstitutional measures; and he wisely determined, that, if he were mistaken in his opinion, and the event should not justify the credit which he gave them, they should be exposed to the nation in their true colours, and be alone responsible for the consequences of their conduct, and for the extraordinary proceedings which it might render necessary.

In another point of view, also, the situation of Mr. Pitt, during the last months of the preceding Parliament, might be considered as extraordinary. The early bias of his mind, the natural consequence of a classical education, ardently pursued, and of parental example,

fondly contemplated, was in favour of the democratic part of the constitution. Yet did it fall to his lot, to stand forth the champion of Regal prerogative, and, consequently, to subject himself to the imputation of being hostile to popular rights,—preferred by those who look only at the superficies of things. He was well aware, that the lawful prerogative of the Crown constituted an essential portion of the rights of the people, who were, at least, as much interested in its preservation, as the monarch on the Throne. For, as these flow from the constitution, the existence of which depends on the strict observance of those powers which are vested by law in each of its component parts, it follows, of course, that any attempt to destroy this political balance, by any invasion of the privileges, or prerogatives, of any one part, by either of the others, is an infringement on the rights of the people. It was hoped, however, by his opponents, that such reasoning would prove too subtle for the comprehension of the common herd of mankind, and that his conduct might easily be made to afford food for popular prejudice. Deaf to such clamours, and inattentive to such considerations, Mr. Pitt steadily pursued his even course, and the event fully justified his most sanguine expectations.

Placed in a situation at once so novel and so arduous, it would not have excited the least surprise, if a mind, so young in years, although so firm in principle, had shrunk from the trial, and declined to encounter the accumulated difficulties by which it was surrounded.—There was a point of time, indeed, during the discussions on this subject, at which, from some circumstance or other, probably from the conciliatory tone of some of his speeches, a suspicion was entertained, by his nearest connections, that, tired with struggling against the torrent of opposition, Mr. Pitt inclined to give way, and, by resigning his place, to leave his Sovereign either to seek for another champion to defend his invaded rights, or to reduce him to the necessity of surrendering his power to his discarded servants. It deserves to be recorded that, on this occasion, his brother, the Earl of Chatham, expressed his opinion to one of Mr. Pitt's confidential friends, in the most decisive terms. He observed, that however Mr. Pitt might act, on the present occasion, he should always continue to esteem him as

an amiable and upright man ; but if, on such an emergency, he should forsake his King, he should never more respect him as a public character. His Lordship had too sound a judgment not to appreciate the duty which his brother had to perform, too much loyalty to his King, not to wish him to perform it, at whatever hazard, or with whatever trouble to himself ; and too much foresight not to perceive the evil consequences which must inevitably result from its non-performance. The effect of yielding to the Opposition, at such a time, and on such a question, would have been the imposition of shackles upon the King, in the exercise of his prerogative, which he would not have been able to shake off during the remainder of his reign. All the power of the monarchy would have been virtually vested in the whigs, and the Sovereign would have remained a mere pageant of royalty, without authority, and without consequence.

In the course of one of the debates, in the House of Commons, in the early part of these proceedings, when the Opposition had serious thoughts of stopping the supplies, and while the meetings of the country gentlemen were holding at the St. Alban's Tavern, with a view to promote the coalition of parties, Mr. Fox took Mr. Dundas (on whose frankness and veracity he knew he could depend) apart, and asked him whether Mr. Pitt was seriously inclined to favour such a coalition. Mr. Dundas assured him that, at that time, he certainly was ; but that, ere a fortnight would expire, unless the project was carried into execution, he would, probably, be induced to change his opinion and intentions. On receiving this information, Mr. Fox immediately postponed the consideration of the measure then before the House, but the subsequent impediment, started by the Duke of Portland, prevented, as has been seen, the success of the project.

It is not every dissolution of Parliament that can, with propriety, be regarded as a direct and specific appeal from the Sovereign to his people. But, where a difference subsists between the King and either House of Parliament ; or between one House and the other ; or, where the majority of either House is adverse to the ministers of the Crown, the act of dissolving the Parliament must be so considered ; and it is

the strongest proof which the Sovereign can afford, of the confidence which he reposes in his subjects, when he makes them, as it were, arbiters between his ministers and their opponents. On the present occasion, the voice of the nation was decidedly in favour of the administration ; and nearly one-third of the old Parliament, who had seats in the House of Commons, and who had opposed the measures of government, were not returned to the new. Mr. Pitt himself was elected one of the representatives for the University of Cambridge ; and, by his interest, he contributed materially to the election of the other member, the Earl of Euston, after a severe contest.

On the eighteenth of May, the new Parliament assembled ; the Commons immediately re-chose Mr. Cornwall for their Speaker ; and the next day they were summoned to attend his Majesty in the House of Lords, when he expressed his satisfaction at meeting his Parliament, after recurring, at so important a moment, to the sense of his people ; and his reliance that they were animated with the same sentiments of loyalty, and the same attachment to our excellent constitution, which he had had the happiness to see very fully manifested in every part of the kingdom. The happy effects of such a disposition, he doubted not, would appear in the temper and wisdom of their deliberations, and in the dispatch of the important objects which demanded their attention. His Majesty declared, that it would afford him peculiar pleasure to find, that the exercise of the power entrusted to him by the constitution had been productive of consequences so beneficial to his subjects, whose welfare and interest were always nearest his heart.

The principal objects recommended in the speech, to the attention of Parliament, were the frauds which prevailed in the revenue ; the necessity for some new commercial regulations, and the affairs of the East India Company. In providing for the better government of our dominions in Asia, his Majesty cautioned his Parliament to pay particular regard to the effect which such provisions might have on the constitution of Great Britain. And he concluded with a declaration, that his only wish was to consult the prosperity of his people, by a constant attention to every object of national concern, by an uniform adherence

to the true principles of our free constitution, and by supporting and maintaining, in their just balance, the rights and privileges of every branch of the legislature.

The address to his Majesty was, of course, opposed by the members of the last administration, because it expressed a decided approbation of a measure which they had strongly resisted—the dissolution of Parliament. It was proposed, therefore, to leave out all the words which related to that subject; and in support of this proposition, it was contended, that the *onus probandi*, that there existed an absolute necessity for the dissolution, in order to preserve the constitution, was imposed on the ministers; while the fact was denied by the Opposition. A debate ensued, at the close of which, Mr. Pitt answered the arguments advanced by the Opposition; observing that, anxious as he was for unanimity, on such an occasion, he would not consent to purchase it, by blinking a great constitutional question. He then entered into a defence of the dissolution; and, on a division, the address, in its original state, was carried by a majority of one hundred and sixty-eight,—one hundred and fourteen having voted for the amendment, and two hundred and eighty-two against it.

Before, however, any other business had been transacted, and before, indeed, the House *could* transact any business, because it had not chosen a Speaker, one of its members, Mr. Lee, had entered into a long dissertation, in the form of a complaint, on the conduct of the High Bailiff of Westminster, who had made no return to the writ; and concluded with moving, that it was “his duty to return two citizens to serve for the said city.”—The motion, however, was rejected by a considerable majority. The fact was, that at the close of the poll, a majority had appeared for Lord Hood and Mr. Fox, but Sir Cecil Wray, the third candidate, having demanded a scrutiny, which was proceeded with, and a great number of votes having been objected to as illegal, the High Bailiff had not been able to finish the scrutiny, nor, consequently, to decide which of the candidates had a majority of legal votes. The question was again brought before the House on a subsequent day, the eighth of June, in the shape of a motion for com-

elling the High Bailiff to make a return to the writ ; when it was argued, very fully, and ultimately decided, by a large majority, that he should be directed to proceed with the scrutiny.

The Opposition were highly dissatisfied with the decision of the House on the subject of the dissolution ; and on the fourteenth of June, Mr. Burke again directed the attention of the members to that topic. In a long and eloquent speech, he entered into a defence of the late ministers, and represented the nation as acting under the influence of delusion, when induced to censure their conduct. From the rich stores of his exuberant fancy, he drew a variety of analogies, to embellish his argument, and to elucidate the question. And he concluded a beautiful declamation, with the production of a representation to the Throne, of a length so enormous, as to convulse the House with laughter. In this paper, drawn up with Mr. Burke's usual ability, much ingenious, much questionable, and much erroneous speculation is to be found *. The high privilege of the House of Commons to control the exercise of the royal prerogative is re-asserted, in a plenitude and extent, which, if once admitted, would go very far to render that House the supreme, and the monarch only a secondary power in the state. The late dissolution is reprobated in terms of animadversion the most pointed and strong ;—in allusion to the language of the speech, it is *insisted on*, as the undoubted right of the House, that no persons shall be deemed proper objects of animadversion by the Crown, in any mode whatever, for the votes which they give, or the propositions which they make in Parliament. The House is represented as the natural guardians of the purity of Parliament, and of the purity of every branch of judicature ; and Mr. Fox's India bill is stated to have been " the most moderate of all possible expedients." In his zeal for the rights and the prerogatives of the House of Commons, Mr. Burke had, in the speech with which he ushered in this remonstrance, declared, that " the House had a right to entertain whatever bill it pleased, even

* This curious remonstrance is to be found, at length, in Dodsley's Annual Register, vol. 27, p. 151, et seq. ; where it occupies *twelve octavo pages* of small letter, and very close printing.

if it were possible that it could be treasonable ; or, if it were even for lopping off a whole branch of the prerogative !” If power and right were synonymous terms, this doctrine might be less liable to objection ; but, fortunately, the constitution is better secured than to be subject to *authorized* attempts at destruction, from any one of its constituent parts. The remonstrance, however, contained a complete denial of the absurd dictum of Lord Somers, by expressly admitting, that “ it is in the power of the Crown to choose a time for the dissolution, (of Parliament) *whilst great and arduous matters of state and legislation are depending.*” On the production of this remonstrance, a general negative, most emphatically pronounced, prevented the necessity of a division.

Mr. Pitt, firm in the confidence of his Sovereign, and the support of Parliament, now directed all the energies of his mind to the adoption of necessary measures, for restoring the sinking credit, and for improving the decreasing revenue, of the country. Commerce was still in a declining state, from the consequences of the late expensive contest ; and the restoration of peace had not produced its usual effect of raising the funds from the state of depression to which they had been sunk during the war. The expenditure exceeded the revenue, and the practice of smuggling prevailed to a most alarming extent ; while the abuses, allowed on all sides to exist in the government of India, required immediate attention. Before, however, he ventured to propose any means for improving the revenue, or to mention any commercial regulations to the House, it was necessary to devise some means for the effectual suppression of contraband trade. For this purpose, he had consulted with persons best qualified to give him useful advice, on a subject at once so complicated and so important ; and he had exerted his usual diligence in the collection of those facts, which were to supply him with materials for the erection of his new system. A committee had, indeed, been appointed by the former ministers, to investigate the imputed frauds on the revenue ; they had made three reports on the subject ; and their intelligent chairman, Mr. Eden, who was peculiarly conversant with matters of trade and revenue, had moved the House to resolve, that smuggling had greatly increased, that the

public revenue was annually defrauded, to the amount of two millions, and that these enormities, and national losses, required the early and serious attention of the legislature. Soon after the meeting of the new Parliament, these reports, and the existing laws for the prevention of contraband trade, were referred to a committee of the whole House; and, on the second of June, Mr. Pitt obtained leave to bring in a bill for the more effectual prevention of smuggling. The principal regulations enforced by this bill, which, after considerable discussion, passed into a law, went to extend the boundaries prescribed by the *hovering act*, for the seizure of ships; to prevent ships from carrying arms without a licence from the Admiralty; to prohibit the return of smuggling vessels which had been captured; to forbid the building of ships of certain dimensions, calculated for the smuggling trade; and to regulate clearances, with a view to prevent ships from clearing out in ballast, and afterwards being employed in this illicit traffic.

In pursuance of the same system, he soon after introduced a bill to the House, since known by the name of the commutation act. In opening this subject to the House, he stated the illicit trade to have been carried to such an extent, as even to threaten the annihilation of several branches of the revenue. But in none had so alarming a deficiency appeared, as in the duties on tea. The whole quantity of this article imported from China, at the period in question, was estimated at nineteen millions of pounds; of which, twelve millions were the imputed consumption of Great Britain. But, of this quantity, only five millions and a half were sold at the sales of the East India Company; of course, no less than six millions and a half of pounds weight were smuggled into the country. In order to check this growing evil, Mr. Pitt proposed to reduce the duty on tea so low, as to leave no temptation to the illicit trader to smuggle it. The estimated expense of freight, insurance, and inland carriage, in this trade, was thirty-five per cent.; whereas the existing duty on tea was nearly *fifty*; so that the smuggler had an advantage of fifteen per cent. over the fair trader. It was therefore proposed, to reduce the duty on tea to *twelve and a half* per cent.

By this means, a deficiency in the revenue, of about 600,000*l.* per annum, would be produced, which it was intended to supply, by an additional tax on windows ; and an ingenious calculation was entered upon in order to prove, that this tax would not operate as an additional burden, as more would be gained, by most families, by the reduction of the duty on tea, than would be lost by the increase of the tax upon windows. But the chief benefit proposed to be derived from this measure, was the ruin of the smuggling trade, of which tea was said to constitute the principal support. It would likewise afford a very seasonable relief to the East India Company, by enabling them to employ twenty more large ships in the China trade, and to sell more than double the usual quantity of tea.

It was contended, however, by the Opposition, that the act could not possibly be considered as founded on a principle of *commutation*, as tea was an article of luxury, the use of which might be discontinued ; whereas light was an object of indispensable necessity, without which no house could be habitable ; and the public therefore would, in fact, be compelled to pay a duty on tea, even if they ceased to drink it. This argument was more ingenious in theory, than solid in its practical application ; but it was farther urged, in support of the objections to the proposed measure, that it was a dangerous experiment, as no increase of the consumption of tea, which was now a certain source of revenue, could make good the deficiency that would be produced by the reduction of the duty. And it was added, that notwithstanding such reduction, the price of tea, on the continent, was so much lower than it would be in England, that sufficient temptation for smuggling would still subsist. These objections, however, were overruled, and the bill was passed by a great majority.

In order to complete Mr. Pitt's plan for the suppression of illicit trade, he brought in a third bill, for the regulation of duties upon British spirits, and for the discontinuance of certain imposts, for a limited time, upon rum, and other spirits, imported from the West Indies. These three laws, the fruits of much information and reflection, and most maturely digested, fully answered the purpose for which they

were framed. The swarms of smugglers, a hardy and desperate race, which had so long infested the maritime parts of the kingdom, were compelled to forego their dangerous, and now unprofitable, pursuits; and to become inoffensive, if not useful, members of the community.

Having thus provided for these objects of primary necessity, Mr. Pitt now directed his earnest attention to our Asiatic dominions. Before, however, he introduced again his grand plan, for the permanent regulation of the East India Company's concerns, he proposed to enable them to make dividends of eight per cent. per annum; and a bill was brought in for that purpose, which, though opposed, on the grounds that it was improper to sanction such a dividend, before the House had obtained such information of the state of the Company's affairs, as would justify a belief that they were able to make it, was, nevertheless, passed into a law. On the second of July he proposed another bill, the object of which was, to favour the Company with a longer time for the payment of duties due to the Exchequer, to enable them to accept bills beyond the amount prescribed by former laws, and to establish their future dividends. The solvency of the Company was urged, on the one hand, as the ground for supporting these measures; and their distress, on the other, as the reason for opposing them. The bill, however, passed.

Having, by these preliminary measures, cleared, as it were, the way for the grand discussion of his intended plan, for destroying every thing that was corrupt, and for infusing as much practical good as was possible, into the government of our Indian territories; having availed himself of all the hints and suggestions which had been thrown out, in the course of former debates, on this important question, which certainly underwent as much investigation as any measure that was ever submitted to Parliament; and having had sufficient time (at least as much time as the nature of his situation would allow him to devote to any particular object) for digesting and maturing his project, and for arranging his materials, Mr. Pitt, on the sixth of July, moved, in the House of Commons, for leave to bring in "a bill for the better regulation and management of the East India Company, and of the pos-

sessions in India." He unfolded his plan to the House, with his usual perspicuity, in a speech of considerable length ; and challenged a comparison between his bill and the memorable bill of Mr. Fox. He did not present it as a perfect plan, but as one which contained as many salutary regulations, and was calculated to produce as much practicable good as possible, with the least injury to the British constitution. An accession of power to somebody, the very nature of his plan required ; but he admitted it to be his duty to vest it where it would be the least liable to abuse, while, at the same time, it should be sufficient, and not more than sufficient, for all the purposes for which it was conferred ;—sufficient to secure to this country the wealth arising from the Company's commerce ; to the inhabitants of Hindostan, peace and tranquillity ; and to render the servants of the Company obedient to the orders which they should receive from home. He then entered into a definition of chartered rights, stating the peculiar cases in which, alone, any invasion of them would be justifiable, and applying his argument to the point in question. He laid down this principle as one which should never be departed from, that, though no charter could, or ought to supersede state necessity, still, nothing but absolute necessity could justify a departure from charters. He admitted, that charters should not be allowed to stand in the way of the general good and safety of the country : or in the way of a reform, on which the being or welfare of the country depended ; but, at the same time, he contended, that a charter ought never to be invaded, except when the public safety called for its alteration. Charters were sacred things ; on them depended the property, franchises, and many other things, that were deservedly dear to Englishmen ; and wantonly to invade them, would be to unhinge the constitution, and throw the state into anarchy and confusion.

He congratulated himself and the country, that the state of the East India Company's affairs was not such as called for, or would justify, a revocation of the charter ; and he expressed great satisfaction at the assurance, that at the moment when he had to propose such measures for the government of India, and the conduct of the affairs of the East India Company, as to his judgment appeared most applicable, there no longer existed any danger of the best and most sacred rights of

Englishmen being made a sacrifice to the ambitious projects of those who, under the necessity which actually existed, had taken the desperate resolution, that nothing short of measures of the most decisive and extreme nature, and measures far exceeding the necessity of the case, could be effectual. He thanked his God, that so great a sacrifice had been escaped ; and he trusted that the majority of the House would join with him in opinion, that, although it must, on all hands, be admitted, that there did exist a great and urgent necessity for the interference of the legislature, with regard to the East India Company, and the future government of India, yet, that neither state policy, nor common prudence, called upon the legislature to proceed beyond the limit of the existing necessity, much less to go the length either of destroying the rights of any individuals, or bodies of men, established upon the most sacred of all foundations,—the express words of solemn charters, recognised and confirmed by repeated acts of Parliament,—or of directly changing the constitution of the country, and departing from those known principles of government, which the wisdom of our ancestors had provided, and which had proved, for ages, the uninterrupted source of security to the liberties of Englishmen. It had already been admitted, that no rights of any body of men, however confessed to be rights of the most sacred kind, could supersede state necessity. To that, and to that alone, they must give way ; but then it ought ever to be a rule of conduct with those, to whose lot it fell to act under such a necessity, to take care that they did not exceed it. Nothing but such a necessity could warrant any government in proceeding to do, what must be an unwelcome task to all who had any concern in its execution ; but, when they found themselves obliged to discharge a duty of that irksome nature, they ought to proceed warily, and with all possible tenderness and regard for those, with whose rights they felt themselves obliged to interfere ; and to be assured that, in so doing, they did not, unnecessarily, tear up by the roots, and annihilate, those rights, which were of essential importance, and which ought not to have been touched, because the exigency of the case did not actually require it. He professed to derive great consolation, on the present occasion, from a circumstance, which had before exposed him to the derision of his adversaries ; that, in every departure which he should propose from

the charter, he should have the hearty concurrence of the Company, who most cheerfully consented to every one of his regulations.

This bill was framed on the same model with that which Mr. Pitt had in vain, attempted to carry in the preceding Parliament; though it differed from it in one material point, for it very materially enlarged the powers which it proposed to vest in the Board of Control. That Board was authorized, in cases of emergency, which would not admit of such delay as a communication with the Directors would of necessity occasion, to issue and transmit their own orders to India, without being subject to their revision. The Governor-general and Council were also entrusted with an absolute power over the other Presidencies, in all points relative to transactions with the country powers, and in all applications of the revenues and forces in time of war, and with a power of ~~suspension~~ in case of disobedience. Whatever objections the spirit of party might induce men to make to this regulation, it was one of indispensable necessity. Incalculable evils had arisen from the division of power in India, between the different Presidencies: it prevented that unity of operation which is essential to the success of any plan, political or military; it enfeebled the arm of government, for whatever purposes it was uplifted; it engendered dissensions, where harmony was necessary to the welfare and security of the state; and it gave birth to numerous evils, without the production of a single advantage.

The clauses in this bill, relative to the debts of the Nabob, in the differences between him and the rajah of Tanjore, and to the relief of dispossessed Zemindars, and other native landholders, were taken from Mr. Fox's bill, but with considerable modifications, and with several exceptions. The patronage of the directors was abridged, and means provided for enforcing retrenchments in the Company's establishment.

In respect of crimes or delinquencies committed in India, the offenders were rendered amenable to the courts of justice in England. The acceptance of presents was declared to be extortion, and all corrupt bargains and acts of disobedience, were made misdemeanors, and

punishable as such. The governors of the different settlements were empowered to seize all persons, suspected of carrying on an illicit correspondence ; and, if necessary, to send them to England. Every servant of the Company was required, within two months after his arrival in this country, to deliver in, upon oath, to the Court of Exchequer, an inventory of his real and personal estates, and a copy thereof, to the Court of Directors, for the inspection of the Proprietors ; and, in case any complaint should be made, thereupon, by the Board of Control, the Court of Directors, or any three Proprietors, possessing stock to the amount, conjunctively, of £10,000, the Court of Exchequer was to examine the person complained of upon oath, and to imprison him, until he should have answered the interrogatories put to him to their satisfaction ; and any neglect or concealment therein was to be punished by imprisonment, forfeiture of all his estates, real and personal, and an incapacity ever to serve the Company again.

This last was, certainly, a measure of extreme rigour, which nothing but the demonstrated existence of the most notorious speculation and plunder could possibly justify. It was repugnant to one of the first principles of criminal jurisprudence, inasmuch as it made the party accused supply the means of his own conviction, and established an inquisitorial power, foreign alike from the spirit and the practice of British law. It also held out a strong temptation to the commission of perjury, by placing a man in a situation in which he never ought to be placed ; in which his duty and his interest would be at variance with each other ; and thus reducing him to the alternative of either committing perjury, or convicting himself. Indeed, a stronger temptation to commit perjury can scarcely be conceived, than where a man, by telling truth, exposes himself to the loss, not only of his whole property, but of his liberty also. There ought to be something more than suspicion to authorize a measure at once so extraordinary and so severe ; and nothing appears to have been produced, or even stated to the House, to justify such a wide departure from the established rules of proceeding in criminal cases. Mr. Pitt, indeed, urged, that either a new process must be instituted, or offences, equally shocking to humanity, repugnant to justice, and contrary to every principle of reli-

gion and morality, must continue to prevail, unchecked, uncontrolled, and unrestrained. The necessity of the case, in his opinion, outweighed the hazard of the innovation ; and when it was considered, that those who might go to India hereafter, would know the danger of transgression before they left England, he trusted it would be admitted, that the expedient ought to be tried. From these general assertions of existing depravity, no one stood forward to dissent ; indeed, it was the very ground alleged, on all sides, for the interference of the government in the affairs of India. But it by no means appears clear, that efficient courts might not have been instituted in the country, for all offences committed there by the servants of the Company, who might have then received the benefit of trial by their peers, while the means, either of conviction or justification, would be at hand, without any deviation from the established rules of evidence. And all those acts, complained of by Mr. Pitt, might have been rendered as highly punishable by law, as their enormity might require.

This one deviation led to another. For the more speedy and effectual prosecution of persons, charged with offences committed in the East, a new court of justice was appointed, to consist of three judges, appointed by the three courts, four peers, and six members of the House of Commons ; the four peers to be taken by lot, out of a list of twenty-six, to be chosen by ballot at the commencement of every session of Parliament ; and the six commoners out of a list of forty members, to be chosen in the same manner ; liberty being given to the party accused, and to the prosecutor, to challenge a certain number of the same. The act further directed, that all depositions of witnesses taken in India, and all writings received by the Court of Directors, and copies of those sent out by them, should be received as legal evidence. The judgment of this court was declared to be final, and to extend to fine and imprisonment, and to rendering the party incapable of serving the Company in any capacity whatever.

The greater part of those members of both Houses who had supported Mr. Fox's bill, gave their most strenuous opposition to this. The objections to it were manifold : some of them of a nature, purely theoretical, and ingenious only in argument ;—but others carried with them

more of weight and solidity. It was considered, on the one hand, as not sufficiently efficacious for the restriction or punishment of the abuses for which it professed to provide remedies ; and, on the other, as infinitely too rigorous, as well as unconstitutional, in the means adopted for the trial and conviction of delinquents. Mr. Fox, in particular, accused the bill of preparing feebleness at home, by a division of power :—if there were a receipt, a nostrum, he said, for making a weak government, it was by giving the power of contriving measures to one, and the nomination of the persons who were to execute them to another. Theories that did not connect men with measures, were not theories for this world ; they were chimeras with which a recluse might divert his fancy ; but not principles on which a statesman would found his system. He contended, that by giving a negative on the appointment of officers to the commissioners, the East India Company was virtually annihilated, and the so-much-vaunted chartered rights destroyed. The bill he characterised as a scheme of dark and delusive art, which took away the claims of the Company, by slow and gradual sap. The first assumption made by the minister, was the power of superintendence and control, and what, he asked, was the meaning of that power ? Did it mean such a superintendence and control as the House of Commons possessed over ministers ? No ; for that House had not the power of giving official instructions. It was to be an active control,—it was to originate measures. At last, to complete the invasion, orders might be secretly conveyed to India, by the commissioners, at the very moment they were giving open countenance to instructions to be sent from the Directors of an opposite tendency. To suffer such a scheme of dark intrigue, would, in his mind, be a farce, a child's play, and did not deserve the name of a government. To this progressive, and underhand scheme, he peremptorily objected. If it were right to vest the powers of the Court of Directors, in a board of Privy Counsellors, at any rate it should be done openly. A great nation ought never to descend to gradual and insidious encroachment. “Let them do what they wish for explicitly, and shew the Company, that what they dare to do, they dare to justify.”

That Mr. Fox, in his own bill, had acted up to this manly and vigorous principle, which requires only wisdom in its application to extort

admiration, and to deserve praise, is most certain. He had boldly avowed his opinion, and he had framed his system accordingly, without any regard to the rights of individuals, and without a due attention to the forms and principles of the constitution. Could he have proved the existence of a state necessity, (that paramount plea to which all inferior considerations must yield) to justify his measure, its boldness might have surprised, but would not have alarmed, the sober and thinking part of the country. But as this could not be proved, because no such necessity existed, he was justly exposed to all the obloquy attending an enormous stretch of power, without any adequate cause. Mr. Pitt, on the other hand, avowed it as the rule of his conduct, that the measure which he had to propose, should not go beyond the necessity of the case. That was the standard by which it was to be tried. If it could be proved to exceed the prescribed limits, it was fairly censurable; and, in the means provided for the trial and punishment of delinquents, it appears to have been properly chargeable with such excess. It was defended, however, on the ground of necessity, though the necessity was not proved; and as it was admitted to be only a bill of experiment, the objections against it were overruled, and it was carried, in both Houses, by a great majority.

Having thus provided for the security of our revenue at home, and for the better regulation of our territories in India, Mr. Pitt was compelled to turn his attention to the existing burthens of the state, and to devise the necessary means for winding up the accounts of the war. He brought the subject before the House on the last day of June, when he entered into a recapitulation of the supplies which had been granted by Parliament, and the ways and means for raising them. By his statement it appeared that six millions of the supplies voted had been left unprovided for, and he proposed to raise that sum by a loan.—With a view to procure the most favourable terms for the public, in negotiating the loan, he departed from the usual mode of proceeding, and resolved to dispose of it to the best bidder.—Hitherto, the loan had been a source of patronage to the minister, who had an opportunity of obliging his friends and favourites with any portion of it, and they, from the premium which it generally bore, before any part of the mo-

ney had been advanced, derived from it a considerable profit. This being obviously disadvantageous to the public, Mr. Pitt, who never suffered any motives of a private or personal nature to interfere, for a moment, with his plans for the national service, determined to adopt a different system. He accordingly concluded, with the best bidder, to give for every £100 subscribed, stock and annuities to the amount of £99 19 2½, with six lottery tickets as a *douceur*, to every subscriber of a £1000, and so in proportion, for every greater or smaller sum.

The unfunded debt, at this time, amounted to upwards of twelve millions in navy bills, and one million in ordnance debentures. He proposed to fund only seven millions of this debt in the present year, and to leave the remainder for the next. Still, as most of the navy bills bore interest, and as the interest on that part which he did not mean to fund this year, would amount to £280,000, he resolved to provide for the interest on the whole. The sum, then, necessary for paying the interest on the loan, and the whole of the above debt, would amount to something more than £900,000, and if the taxes which he had to propose, should produce the sums at which he rated them, there would be a surplus in favour of the public, of somewhat more than £30,000. These taxes were one halfpenny per pound on candles; half-a-crown per thousand on bricks; from three to thirty shillings per thousand on tiles; ten shillings on every pleasure horse; two guineas on every race horse; a small tax on ribands and gauzes; licenses for retailing excisable liquors; qualifications for shooting; paper; hackney coaches; silver and gold-plate; lead exported; increase of postage of letters; and regulations of franking. A tax was proposed on coals, but rejected. The other taxes passed with little opposition.

Mr. Pitt, when he proposed these taxes, declared, that he had studiously endeavoured to do what he held to be the indispensable duty of every person who stood in his situation—to disguise nothing from the public which affected their real interest, but to lay every particular of such description before them; and, however great the personal risk and inconvenience, however great the danger of incurring popular odium, by proposing heavy burthens on the people, might

be, not to shrink from that painful part of duty, if such burthens were, by the exigency of affairs, necessary to be imposed. No minister, assuredly, ever entertained more just notions of his duty, and none ever discharged it more firmly, or more conscientiously. Mr. Pitt having thus attended, as far as the time would admit, to every subject recommended to the notice of Parliament, in the speech from the Throne at the opening of the session, and having provided for every exigency, had leisure to turn his mind to those farther projects of improvement, which he had still in contemplation. Before, however, the Parliament was prorogued, Mr. Dundas brought forward a motion for the restoration of the estates forfeited in Scotland, in consequence of the rebellion of 1745. The object of this motion was to relieve a body of men, whose loyalty was unimpeached, from the penalties attached to the disloyalty of their ancestors; or, to speak with greater accuracy, to the *misguided loyalty* of their ancestors. For the unhappy noblemen and gentry, who had joined the standard of Prince Charles, in the year 1745, acted from a principle of rooted attachment to the family of a king whom they had ever considered to be their lawful sovereign, and their sworn allegiance to whom they did not think that either his misconduct, or any earthly power, could compel them to transfer, or even justify them in transferring, to another. However mistaken, therefore, the *application* of the principle might be, the principle itself was entitled to respect; and the example which state policy, if not state necessity, required, being once made, there could be no good reason for extending it to the successors of the suffering nobles and gentry. Mr. Dundas, therefore, very properly enlarged on the wisdom and the justice of the principles, which were so self-evident as not to require, for their support, the opinion of a Chatham, which he adduced in their favour. It enabled him, however, to pay a merited compliment to the son of that statesman: he said, he drew an auspicious omen from the reflection, that the first blow had been given to the proscription by the Earl of Chatham; and he trusted, that the remains of the system, which, whether dictated at first by narrow views, or by sound policy, ought certainly to be temporary, would be completely annihilated under the administration of his son.

He pronounced a warm panegyric on the persons whose cause he had undertaken to plead. He observed, that many of them had distinguished themselves in the late war; and that there was scarcely a family among them, which had not atoned, with their blood, for the errors of their ancestors. He asserted, with equal confidence and truth, that the spirit which had rendered the inhabitants of the highlands disaffected to the then existing government, had long since disappeared, and that the King had not, in the whole extent of his dominions, more loyal subjects. As such it would be magnanimous to treat them, and to cancel for ever the offences of their fathers. Nor would the proceeding be more liberal than politic; since its effect would be to prevent the increasing emigration of the highlanders, which nothing could do, but the return of their long-lost lords, for whom they felt unabated affection and reverence.

In the Commons, the justice and policy of the measure was so generally felt, as to preclude all opposition; but in the Lords, it was opposed by the Chancellor, Thurlow, as impolitic and partial. It was impolitic, he said, as far as it rendered nugatory the settled maxim of the British constitution,—that treason was a crime of so deep a dye, that nothing was adequate to its punishment, but the total eradication of the person, the name, and the family, out of the society which he had attempted to hurt. This was the wisdom, he said, of former times; but if a more enlightened age chose to relax from the established severity, he thought it ought to be done with gravity and reflection. That *every* legislative measure should be discussed with gravity, and not adopted without reflection, is a position that cannot be denied. But his Lordship's argument, though good in itself, was bad in its application; and to assert that the granting the indulgence in question, would be to render nugatory the settled maxim of the British constitution, respecting the heinousness of the crime of treason, was the same thing as to maintain, that the adoption of an exception to a rule, was tantamount to the destruction of the rule itself. The case in point differed essentially from all other cases of treason; and those who made laws against treason, could never have had such a case in contemplation. There is a substantial, and a radical difference between the man

who is a traitor from persevering loyalty to the prince to whom he has sworn allegiance, and the wretch who seeks to depose his lawful sovereign, in order to destroy the constitution, of which he is the guardian and the head, or to place a foreign usurper on his throne. But Lord Thurlow affected singularity in his opinions and actions; and to that affectation, rather than to the conviction of his mind, is his opposition, in the present instance, most probably, to be ascribed. His argument, however, on the ground of partiality, had more weight and solidity in it. He observed, that the estates forfeited in 1715, and which were forfeited upon the same grounds and principles as those in 1745, were passed over in silence, whilst even a person attainted in 1690 was included in the provision. But his opposition did not avail, for the bill passed the Lords, and received the royal assent.

On the twentieth of August, the King put an end to the session, by a speech from the throne, in which his Majesty expressed his approbation of the past proceedings of his Parliament, lamented the necessity which had existed, for the imposition of additional burthens on his people, and recommended to the attention of both Houses, many important objects of trade and commerce, which would be submitted to them after the recess; when, he trusted, such regulations would be framed, after a full investigation, as would be found best calculated to promote the wealth and prosperity of all parts of the empire.

CHAPTER V.

Attention of the British government directed to continental affairs—State of the continent—Projects of Reform entertained by Joseph, Emperor of Germany—Reflections on those Projects—His infraction of the Barrier Treaty—Impolicy of that measure—The Pope arrives at Vienna—His vain attempts to dissuade the Emperor from the execution of his plans for the plunder of the church—Mirabeau's sentiments on these plans—Domestic dissensions in Holland—Fury of the republican faction—Resignation of the Duke of Brunswick—Jealousy of Prussia—Insidious conduct of France—Claims of the Emperor upon Holland—Negotiations at Brussels—Acts of hostility committed on the Dutch by the Imperial troops—Attempt to force the passage of the Scheldt, resisted by the Dutch—Emperor supported by the Empress of Russia—The Empress's letter to the King of Prussia—Cautious conduct of the British ministry—Parliament meets—The King's speech—Decision on the Westminster scrutiny—Difference between the Court of Directors of the East India Company, and the Board of Control—Discussions in Parliament relative thereto—Mr. Pitt's motion for a Parliamentary Reform—Development of his plan—Reflections on the same—The danger of a recurrence to first principles—Considerations on the qualifications of Voters and of Representatives—Mr. Fox's objections to a part of the plan examined—Mr. Pitt's character as a Reformer, delineated—Comparative abilities of Mr. Pitt and Mr. Fox—Motion rejected—Dr. Paley's notions of Parliamentary Reform examined, and some of them censured—Mr. Fox's motion for a committee to investigate the financial statements of Mr. Pitt negatived—Mr. Francis's motion for a committee for examining the affairs of the East India Company—supported by Mr. Fox—Mr. Pitt's answer to Mr. Fox, and statement of curious facts, relative to Mr. Fox's India bill—motion rejected—Financial state of the country—The Budget—Commissioners appointed for examining the Fees, &c. taken in public offices.

1784.] During the parliamentary recess, the attention of the British government, which had so long been limited to the concerns of their own territory, was directed to the critical state of the continent, where a rupture between the principal powers seemed to be fast approaching. The Imperial Throne of Germany was, at this time, filled by Joseph the Second, a well-intentioned, but feeble monarch, earnestly intent on religious, political, and military reforms, without abilities to devise the proper means for carrying them into execution, and

without judgment to perceive either the obstacles which he would have to encounter, or the remote consequences to which his measures would lead. As many of his schemes of innovation trenched deeply on long-established privileges, militated against popular opinions, opposed public prejudices, destroyed national customs, and abolished constitutions, deemed sacred in their origin, and respectable from their antiquity, they excited great discontents. Severity of punishment, however, was employed to intimidate those whom argument could not convince ; and, possessed of absolute power, he reduced, for the present, the opposition to his plans, to anonymous sarcasms, and private lampoons. But his intentions, in most respects, were laudable, and some of his designs were of a beneficial tendency. It was the chief object of his ecclesiastical innovations, to exempt the clergy of his dominions from the usurped influence and authority of the court of Rome ;—he intended also to suppress all monastic institutions. This latter measure required the greatest caution ; it should have been effected by a slow and gradual process, not by a sudden and violent exertion of power ; the inhabitants of these cloisters should have been allowed to leave them, or to remain at their pleasure ; while the reception of more novices, and the admission of more monks and nuns, might have been peremptorily prohibited under the severest penalties. But it was foreign from the disposition of this prince, to act with the prudence, caution, circumspection, and foresight which are indispensably necessary to the successful accomplishment of any great enterprise. Besides, his known intention of appropriating the revenues of the convents to his own use, led the public to entertain no very favourable opinion of his motives.

In the year 1781, he had made the tour of Holland, the Low Countries, and France, not for mere pleasure, but for the purpose of political observation. Holland, on which his eye was principally cast, had been thrown, by the war, into a state of disorder and weakness, which shewed, beneath a semblance of wealth and prosperity, an utter incapacity for any great and vigorous effort. Party spirit raged with great fury in the heart of the republic ; the remains of the old Lovestein, or republican faction, entertained great jealousy of the Stadtholder,

which was secretly fomented by the French, who considered the Stadtholderian, or Orange party, as friendly to England, and, consequently, as inimical to them. Hence the whole country was divided between the two parties, each intent on humbling the other, and both inattentive to the real interests of the state. A nation thus harassed by foreign war, and domestic dissensions, did not present a very imposing spectacle to a prince who wished either to invade her rights, or to assert his own at her expense.

The frontier towns of the Austrian Netherlands had, ever since the succession war, been garrisoned by Dutch troops, for the more effectual security of the Low Countries, and, consequently, of Holland, against the ambitious views, and great military power of the French. Experience had sufficiently proved the wisdom of this precaution, to which alone the House of Austria had been indebted for the preservation of the Netherlands, which, at certain periods of difficulty and distress, she could not possibly have prevented from falling into the hands of her enemies. Pride, however, subdued, in the mind of Joseph, the suggestions of interest, and conceiving himself sufficiently powerful to check the progress of an enemy, without the aid of fortified towns, he dismissed all the Dutch garrisons, in violation of the barrier treaty, destroyed the fortifications, and thus laid open his dominions to the first invader. On his visit to Antwerp, he went up the Scheldt in a boat, until he arrived at the first of the Dutch forts, which had been erected for the purpose of guarding the passage, and of securing to Holland the exclusive navigation of that river;—and the anxiety which, on all occasions, he evinced to become a commercial and maritime power, left no doubt on the minds of attentive observers, that the restoration of Antwerp to some portion, at least, of its former consequence, was an object which he had much at heart. On his return to Vienna, he carried into execution some of his plans of reform, and meliorated the condition of the peasantry, in many parts of his dominions. He also, much to his honour, established a degree of religious toleration, till then unknown, sanctioned the liberty of the press, and endowed schools for the education of the children of soldiers.

Alarmed at the rapidity and extent of those innovations, which affected the rights, and injured the interests, of the Papacy ; the sovereign Pontiff, Pius the Sixth, resolved to remonstrate, in person, with this refractory son of the church. Early in the year 1782, the aged prelate arrived at Vienna, where, during a month's residence, he received all the honours and attentions which his station extorted, and which his virtues deserved. But the time was now past, when the thunders of the Vatican could silence the voice of royalty : expostulations had succeeded to reproofs, and persuasions to threats. The Pope's eloquence proved ineffectual ; his Holiness returned to Rome, and the Emperor pursued his plans for the suppression of the convents, and the plunder of the church.

The sentiments of a celebrated French writer, on the conduct of Joseph, on this occasion, are eminently just, and deserve to be recorded. After reproving the monarch for the violent expulsion of the ecclesiastics, at a time when, according to him, reason was fast producing the very effect which he was so solicitous to accelerate, he speaks of the measure in the following terms : “ I prefer a convent of nuns to a
“ regiment of soldiers. If the first oppose the intentions of nature,
“ they do not tear her to pieces ; if they violate their institution, it is
“ in order to perpetuate their species ; whereas the latter take an oath
“ to destroy them upon the first signal given by despotism. The in-
“ ternal revolutions which the Emperor has effected in his dominions
“ have been greatly applauded ; but what a number of objections
“ might be brought against the eulogiums ; at least the panegyrists of
“ Joseph II. ought to tell us what justice they find in driving a citizen
“ from the profession which he has embraced, under the sanction of
“ the laws. I will tell them plainly, there is as much injustice in expel-
“ ling a friar, or a nun, from their retreat, as in turning a private indi-
“ vidual out of his house. Despise the friars, as much as you will, but
“ do not persecute them ; and, above all, do not rob them, for we
“ ought neither to persecute, nor rob any man, from the avowed
“ atheist down to the most credulous capuchin. One of the greatest
“ misfortunes attendant upon these masters of the world is, that they
“ always want to make their subjects happy, (much happier, say they,

“ than they were) in their own way ; when it is sufficient only to order, to be obeyed, they are apt to lose themselves in a labyrinth of contradictions *.”

Mirabeau, to be sure, was not a very impartial judge, on any question in which France might take the one side, and the House of Austria the other ; for the inveterate enmity which had so long prevailed between the two powers, and which the means taken by the Duc de Choiseul, under whose auspices the marriage between the Dauphin of France, and the Archduchess of Austria, in 1770, was concluded, were totally inadequate to remove, descended to the subjects of either, and was constantly apparent in their conversation and writings. But the principle which he lays down, respecting the suppression of monastic institutions, and the consequent seizure of their revenues, is self-evidently just.

Meanwhile, the republican faction in Holland had openly manifested their enmity against the Orange party ; and, as the best means of displaying their hatred of the Stadtholder, and at the same time of promoting their own seditious views, they resolved to attack his favourite, Prince Lewis, Duke of Brunswick Wolfenbuttle, and field-marshal of the Dutch forces ; who, having been guardian to the Prince of Orange, a trust which he had discharged with exemplary fidelity, had obtained the friendship and confidence of his former pupil. The Duke was long the object of the most inveterate attacks, and the most unfounded calumny, incessantly directed against him by the leaders of the faction, who accused him of being the sole adviser of all those measures which had reduced their country to its present degraded state. Though he treated with sovereign contempt the reproach and abuse which these disaffected partizans thus heaped upon him, his regard for the Stadtholder led him to adopt the only measure, which, in his apprehension, could restore peace to his government. He sent his resignation to the States General, in a letter, written in a manly and dignified style, refer-

* Doubts concerning the Free Navigation of the Scheldt, &c. by the Count de Mirabeau. English translation. Note to p. 160.

ring them to his past services, during the long period of two and thirty years, and reminding them of their injustice, in neglecting to afford him an opportunity of vindicating his character against the aspersions of his enemies. By this conduct, the republic deprived itself of the advantage of the best talents, and the greatest experience which it contained ; and that at a period when it stood in the greatest need of them ; and the best interests of the state were sacrificed to a base spirit of faction. Prussia, on the one hand, viewed these revolutionary proceedings with extreme jealousy ; and, actuated as well by the ties of affinity, which bound her to protect the Stadtholder, as by political motives respecting the security of her own dominions, she resolved not to remain long a passive spectator of such scenes as, she justly conceived, were pregnant with serious danger. France, on the other hand, by whose influence Holland had been engaged in the war, and who had gained an ascendancy over the republican faction, rejoiced in the threatened storm, which she secretly fomented by her intrigues, and which she declared her readiness, in case of necessity, to support by her arms.

The Emperor of Germany, resolved to profit by this peculiar situation of affairs, preferred various claims upon portions of the Dutch territories, on the frontiers of the Austrian Netherlands, which he supported by pretexts, certainly specious and plausible ; and some of them not wholly without solidity. The most important of all, were his claims on the city and county of Maestricht, the free navigation of the Scheldt from Antwerp to the sea, and a free and uninterrupted commerce with the factories of Holland, in the East and West Indies. The first of these claims rested upon asserted rights, which had long remained dormant, and was resisted on the ground of long possession, sanctioned by repeated treaties ;—the second had nothing but the vague principle of *natural rights*, which *power* may assert, but which *reason* will never *discuss* ; and the last had no foundation whatever, but the consciousness of ability to enforce it in the prince who advanced it. The States General, unable to resist the power of Austria, made a virtue of necessity, adopted conciliatory language, and sent plenipotentiaries to Brussels, in the month of April, 1784, vested

with the necessary powers for the adjustment of all subsisting differences.

The Emperor, however, had no intention to lose time, in what he considered to be fruitless negotiations ; conscious of his power, he was determined to enforce the claim which he had ventured to assert ; and the very night after the arrival of the Dutch plenipotentiaries was fixed upon for the commencement of hostilities. A small party of Austrian infantry entered the Dutch territory, and seized the dismantled fort of Old Lillo, apparently for no other purpose than to remove all doubt as to the reality of his intentions. And, in a week after, while the negotiations were going on, a detachment of Austrian dragoons advanced to Hartog Eyk, near Heerle, demolished the barriers, pulled down the Dutch flag from the Custom House, and charged the receiver, who was stationed there, in the name of his Imperial Majesty, to execute no orders, in future, from the regency of Heerle, nor to receive any toll or duty whatever, under pain of being sent, bound hand and foot, to the next Austrian garrison.

These acts of hostility spread consternation and alarm throughout the United States. Hasty means were adopted for putting the frontier towns in a state of defence. The garrison of Maestricht was reinforced, and troops were every where put in motion. But even now, when the very existence of the republic seemed to be at stake, so little real patriotism did these boastful republicans possess, that their minds were more intent on promoting the interests of party, than on providing for the safety of the country ; more occupied with projects of resistance to the Stadtholder, than with means of defence against the common enemy. Instead of relying on their own efforts, they meanly solicited foreign assistance ; and depended more on the promised mediation of the French king, than on the display of Dutch courage, for preserving the republic from ruin.

At this time a very close connection subsisted between the two imperial courts of Petersburg and Vienna, and the Empress Catharine, fearing that the King of Prussia would interpose to thwart the designs

of her ally, wrote a letter to that monarch, in which she observed, that the Dutch had recourse to all sorts of intrigues, in order to induce his Majesty to take a part in the approaching war between them and the Emperor, whose claims she described as equally just and moderate. Nature, herself, had granted to the Austrian low countries, the use and advantage of the river in dispute—the Scheldt. Austria alone, by virtue of the law of nature, and of nations, was entitled to an exclusive right to the use of it, and nothing but the equity and disinterestedness of the Emperor could impart that right to others. The avidity of the Dutch, she said, and the judgment which they permitted themselves to assume, on account of the treaty of Munster, over the house of Austria, were notorious, and blameable in every respect. But the most decisive argument which her Imperial Majesty employed on this occasion, was her declaration that she was firmly resolved to assist the Emperor's pretensions, with all her land and sea forces, with as much efficacy as if the welfare of her own empire were at stake.

It was, probably, the certainty of this powerful support that induced the Emperor to act with so much decision, and with so little regard to justice. As if he had not already sufficiently manifested his hostile disposition, he ordered two imperial boats to proceed, the one down the Scheldt to the sea, from Antwerp, and the other up that river, from the sea. The first of these was stopped, as usual, by a Dutch cutter, the captain of which intreated the commander of the imperial vessel to return, and, on his refusal, enforced his request with a broadside. The other vessel experienced a similar impediment; and this defence of their rights, on the part of the Dutch, was considered by the Emperor as an act of unjustifiable violence, and as a virtual declaration of war.

The negotiations had hitherto continued at Brussels, the Emperor rising in his demands in proportion to the spirit of concession displayed by the Dutch; but they were now suddenly broken off; the Imperial Ambassador was recalled from the Hague; and as the winter approached, preparations for hostilities were seriously made by both parties; while it seemed probable, from the actual situation of affairs, that, in the ensuing Spring, the whole continent would become the

scene of war ; and that Russia and Austria would take the field, in opposition to France, Holland, and Prussia.

The British government were attentive to the designs and the movements of the continental powers ; but it being the interest of their country not to favour the views of any one of them, they took no immediate steps, nor suffered their intentions to transpire. They wished to save Holland from the projected attacks of the Emperor, but they also wished to detach her from her alliance with France ; and, consequently, to prevent France from having any share in preserving her from ruin. The greatest caution and circumspection, therefore, was necessary to be observed ; and all that could be done for the present was, vigilantly to watch the course of events, and promptly to seize every favourable circumstance that might occur. Meantime, the nation began to recover, with surprising rapidity, from the effects of the late disastrous war : commerce reverted to her ancient channels ; trade increased, and peace was attended with her best associates,—prosperity and happiness.

[1785.] On the 25th day of February, the Parliament met, and the first object recommended to their attention by the King, in his speech, was the final arrangement of a commercial intercourse with Ireland. The success of the measures adopted in the last session, for the suppression of smuggling, was urged as a reason for continued application to an object of such primary importance ; and economical regulations, in the different offices, were stated to be necessary, in consequence of the report of the commissioners of public accounts. The motions for the address, in either House, experienced but little opposition, and produced nothing worthy of historical record. Soon after Parliament met, a long discussion took place on the Westminster election, which had before occupied the attention of the House. Lord Hood and Mr. Fox had been declared to have a majority of votes at the close of the poll ; but Sir Cecil Wray, the third candidate, having demanded a scrutiny, it was granted, and, consequently, no return was made to the writ. Mr. Fox and his friends applied to the House, to order the High Bailiff to make a return, on the ground that the scrutiny was not legal, and

that, if there were any grounds for believing that he had not a lawful majority of votes, the unsuccessful candidate ought to petition the House, and subject the matter of complaint to a committee, according to the Grenville act, which was the only proper tribunal for the decision of such a matter. The House, however, thought otherwise ; and, after repeated discussions, had instructed the returning officer to continue the scrutiny. But as it had continued for a considerable time, without having produced any material difference in the state of the poll, the House, at length, ordered the return to be made, and Lord Hood, and Mr. Fox, accordingly took their seats. By this decision, however, they sacrificed principle to expediency, for if they were right in issuing their first order, the scrutiny was a legal process, and they must have been wrong in their last order to discontinue it, before the object for which it was instituted had been accomplished.

A misunderstanding having arisen as to the extent of the powers vested in the Board of Control for the affairs of India, the question was brought before both Houses in the month of February.—It originated in this circumstance : Both in Mr. Fox's bill, and Mr. Pitt's, provisions had been made for investigating and settling the debts of the Nabob of Arcot. The Court of Directors was ordered to investigate them, by the last act, "*As far as the materials they are in possession of shall enable them to do ;*" and it is enacted, "*that they shall give such orders to their presidencies, and servants abroad, for completing the investigation thereof, as the nature of the case shall require, and for establishing, in concert with the said Nabob, such funds, for the discharge of those debts which shall appear to be justly due, according to their respective rights of priority, as shall be consistent with the rights of the said United Company, the security of the creditors, and the honour and dignity of the said Nabob.*"

In obedience to these instructions, the Court of Directors prepared orders to be sent to their servants at Madras, for entering into a more complete investigation than had hitherto been made, of the debts of the Nabob. But these orders were rejected by the Board of Control, to which they were communicated, and fresh instructions were sent out

in their stead, in which the claims of the Nabob's creditors were, with few exceptions, confirmed, their order of payment settled, and a fund for their discharge assigned out of the revenues of the Carnatic. These regulations were read at a public meeting of the Nabob's creditors in London; and, in consequence of this proceeding, a discussion took place in the House of Lords, on the 18th, when Lord Carlisle moved for the production of the original orders made by the Court of Directors: after a short debate, however, in which Lord Loughborough took occasion to reprobate the conduct of the Board of Control, which the Lord Chancellor defended, the House rejected the motion, as urged on improper grounds, and as having no definite object. The same matter was brought before the House of Commons, ten days after, by Mr. Fox, where it underwent a much more ample discussion. The conduct of the Board was defended by Mr. Dundas, on the ground of its rigid conformity to the letter and spirit of the statutes, which, by a specific clause, enabled the Board to originate orders in cases of urgent necessity, and to direct their transmission to India. The orders in question had not been given without the most careful and close investigation of the subject. The papers already in possession of the Court of Directors, gave them as full information of the nature of the Nabob's debts, as they could possibly expect to receive; therefore the orders to their servants for farther information was perfectly unnecessary. These papers had been examined by the Court, and submitted to the Board of Control, which had made such an arrangement, as was the most fair and just to all parties.

Mr. Dundas then entered into an explanation of the debts, and was answered by Mr. Burke, who, in a strain of uncommon eloquence, entered into a long detail of Indian affairs, and drew a highly-finished, and most gloomy picture of the state of that country. He represented that the debts, which had been so much decreased, arose from a collusion between the Nabob himself, and certain servants of the Company, who had been guilty of every species of fraud, oppression, and cruelty. The enquiry proceeded no farther, being stopped by the decision of a considerable majority of the House.

Mr. Pitt, still intent on his views of Parliamentary reform, resolved once more to submit them to the consideration of the House of Commons ; and, having given previous notice of his intention, he fixed on the eighteenth of April for the day of discussion. Before he unfolded his present plan to the House, he made some general observations on reform itself, and on the different notions which prevailed respecting it ; some thinking that, in our system of representation, we had already attained, that is as far as is attainable by human knowledge or address, the summit of perfection ; others, admitting the imperfection of the existing system, arising out of corruptions which the hand of time, and fortuitous circumstances, had produced, but dreading all innovations, lest, when we had once begun, we should go greatly beyond the original intention, and know not where to stop. For these last, Mr. Pitt professed great respect, though he considered the former as entitled to none. His was no loose, vague, indefinite plan of reform ; but one which had been maturely considered, weighed, and digested, with defined limits, and specific objects, not deviating from, but founded upon, the principles of the constitution, and calculated to give them a more complete and beneficial effect.

Mr. Pitt described the House of Commons to be an assembly, freely elected, between whom, and the mass of the people, there was the closest union, and most perfect sympathy. Such a House it was the purpose of the constitution to erect, and such a House it was the wish of every rational reformer now to establish. Those who went farther—those who entertained ideas of individual representation, deluded themselves with impossibilities, and sought to divert the public from that sober and practicable path in which they might travel with safety and ease, to launch them into a boundless ocean, where they had no pilot to direct, and no star to guide them.

There is an extreme danger in recurring to first principles, in an endeavour to reform such an institution as a British House of Commons. The original intention respecting the constitution of that assembly, is too well known to be a subject for speculation or doubt, although, in discussions of this nature, in modern times, it is always either falsely re-

presented, or studiously kept out of sight. The able investigation which it underwent at the latter end of the seventeenth century, in that controversy, in which Petit and Braddy bore the principal part, served to place it in a proper point of view, and to render it comprehensible by the plainest understanding. Without entering into a long detail of facts, or into a needless specification of dates, it is sufficient to state that, anciently, the *right*, or rather the *duty* of sending members to Parliament, was considered as a *burthen*, and not as a *privilege*.—That the members who were sent to Parliament did not expend money to procure their seats, but *exact*ed wages for the expense and trouble of holding them ; that the qualification of a *voter* was equal, *in effect*, to at least *twenty pounds a year* ; and that of a *candidate*, if for a borough, equal, *in effect*, to *three thousand a year* ; and, if for a county, equal, *in effect* to six thousand a year. Let any one contemplate, for a moment, an assembly so constituted, according to the original intention, and then turn his thoughts to the House of Commons, as it at present exists, and as it has existed for more than a century, and he will immediately perceive the inutility, if not the folly, of a recurrence to first principles, with any view to a practical reform. It were, indeed, much to be wished, that in a representation, of which the leading principle is *property*, and not *population*, such changes might, from time to time, take place in the amount of the qualifications, as would render them, in some degree, conducive to the purpose for which they were originally required. Such a change has taken place in the qualification for a magistrate, which has been raised from twenty to one hundred pounds a year, and it is not easy to imagine any valid reason for not extending it to members of Parliament, whose qualifications, from the great depreciation of money, and still more from the facility with which the law respecting them is evaded, have become mere matters of form, without the smallest relation to the motives in which they originated. But it has formed no part of any of the plans of our modern reformers of Parliament, to supply a remedy for this evil, which has thrown more weight into the democratic scale, than has been added to the regal power by the increased expenditure, and enlarged establishments of the country.

It was contended by Mr. Pitt, as one of the most indisputable doctrines of antiquity, that the state of representation was to be changed with the change of circumstances, and that without such change it could not be made to answer the original purpose of its establishment. He limited, however, the application of this principle, (which might, indeed, be carried to a great extent) to a justification of his own conduct, in proposing a plan of reform. He had recourse to another very ingenious argument, urged with a view to shew that the practice had been conformable with the principle.

Of the boroughs which used formerly to send members to Parliament, seventy-two had been disfranchised ; in other words, the Crown had ceased to summon them, at general elections, to return burgesses to the House of Commons. After the restoration, however, thirty-six of them were restored to their functions, on a petition presented to Parliament for that purpose. But the other thirty-six, not having presented any petition, had not recovered their lost franchises. Hence, he concluded that, considering the restoration of the former, and the continued deprivation of the latter, the spirit of the constitution had been grossly violated, if it were true (but which he denied) that the extension of the elective franchise to one set of boroughs, and the resumption of it from others, was a violation of the constitution. For if the members could not, originally, have been constitutionally increased, so they could not have been constitutionally diminished. But having been once diminished, their restoration might, by some be considered as an innovation ; and if the Parliament had any authority to restore the franchise, the principle of restoration ought to have been extended to the seventy-two boroughs, and not confined to one half of them. Here then, it appeared manifest, that the whole was governed by a principle which militated directly against the modern doctrines,—that to do what had been constantly done for ages, by the wisest of our ancestors, was to innovate upon the constitution. The seventy-two boroughs in question had discontinued to return members, because they had fallen to decay ; thirty-six of them afterwards recovered their franchise, when they recovered their former wealth and population ; but the other thirty-six, not having renewed their former

vigour and consequence in the state, remained, to that day, deprived of the franchise which had been taken from them, when they lost the wealth and population, on account of which they had originally obtained it.

He then asked why there was a greater objection to any change in the representation of certain boroughs at that time, than there had been in former periods? why they were more sacred then, than the six-and-thirty boroughs which had been disfranchised, and which no longer enjoyed any share in the representation of the country? He insisted that, on the same principle upon which these boroughs had been disfranchised, and part of them restored to their franchise, similar alterations might now be adopted, in respect of any existing boroughs. The principle of improvement had been recognized as flowing out of the constitution itself; it had been reduced to practice; the beneficial effects of it had been acknowledged; and objections to it, therefore, on constitutional grounds, could not, for a moment, be maintained. Mr. Pitt said, he would leave it to the world to judge, which of the two was most anxious for the preservation of the original principle of the constitution,—he who was for maintaining the exterior and name of representation when the substance was gone, or he who, preferring the substance and reality of representation to the name and exterior, was solicitous to change its seat from one part of the country to another, as one place might flourish, and another decay? It was his idea, that if they could deduce good principles from theory, and apply them to practice, it was their duty to do so. It was then the theory, and it had been the practice, in all times, to adapt the representation to the state of the country; and this was exactly what it was his intention to recommend to the House.

He continued to press these, and similar arguments, for some time, with great force and acuteness; and they were, certainly, arguments too powerful and too pointed, to be easily resisted or evaded. After he had pursued this train of reasoning, on the principle of his plan, as long as he thought necessary, he proceeded to unfold the plan itself to the House. It proposed to transfer the right of electing members, for

six-and-thirty decayed boroughs, (the number of houses to be the criterion by which it was to be decided whether they were decayed or not) to the counties; by which the latter would return seventy-two members, in addition to those which they already returned. But he disclaimed all intention of having recourse to compulsion for the purpose of accomplishing his scheme. The decayed boroughs were only to be disfranchised, on their own application to Parliament for that purpose; and he proposed, that Parliament should provide a fund for the indemnification of persons who had a beneficial interest in such boroughs, to be proportioned to the nature and extent of such interest. He also proposed to extend the right of voting to copyholders. By the second part of his plan it was provided, that after the full and final operation of the first proposition,—that is, after the extinction of thirty-six boroughs, and the transfer of their members to the county representation, if there still should remain any boroughs so small and so decayed, as to fall within the size to be fixed on by Parliament, such boroughs should have the power to surrender their franchise, for an adequate consideration, and that the right of sending the members to Parliament, should be transferred to such populous and flourishing towns as might desire to enjoy such privilege; and that this rule should remain good, and operate in all future time, and be applied to such boroughs as, in the fluctuating state of a manufacturing and commercial kingdom, might fall into decay in one part of the country, and rise into condition in another. Mr. Pitt concluded with moving, “that leave be given to bring in a bill to amend the representation of the people of England in Parliament.

Such was this plan of Parliamentary reform, which, after the maturest deliberation, Mr. Pitt thought proper to propose to the House of Commons, and to recommend to the country; and, if it can be examined, with coolness and impartiality, every previous prepossession being dismissed from the mind, it is apprehended that it will be found to contain nothing inimical to the spirit and principles of the British constitution; nothing resembling the wild chimerical notions of modern anarchists; nothing from which the sober and dispassionate friend of his country could derive the smallest ground for apprehen-

sion and alarm. This, at least, is the impression produced on our mind, after the closest examination of the plan, and of the means proposed for carrying it into execution. It was not, however, so viewed by a majority of the House of Commons, who objected to it on broad and general grounds. They urged that the people had not called for such an innovation; that the large towns, to which it had been proposed to transfer the privilege of election, had not solicited such an indulgence; that if a bill of reform should be once introduced, the minds of men were so unsettled, and their opinions so various upon the subject, that it was impossible to say to what extent it would be carried; that what were called rotten boroughs, were frequently represented by gentlemen who had the greatest stake in the country, and, consequently, were as much concerned in its welfare, and in that of the constitution, as any other species of representative, in whatever manner chosen, could be; and, lastly, that while no necessity for such a reform was proved to exist, and while the rights and liberties of the people were effectually secured under the present system of representation, it would be extremely unwise to change a certainty for an uncertainty; to risk the loss of an actual benefit, for the bare prospect of a precarious advantage. Mr. Fox, who approved and supported the motion, expressed his dislike of that part of the plan which provided for the *purchase* of decayed boroughs. And, indeed, if theory, and not practice, had been the ground of argument, or the admitted rule of conduct, the objection would have been unanswerable. Upon *principle*, it is as impossible to defend the sale of a right to return members to Parliament, as it would be to defend the practice of purchasing a seat in Parliament. Of the validity of this objection, Mr. Pitt must have been as fully aware as Mr. Fox himself; but he was not a theoretical reformer; he directed his efforts to obtain as much practical good as he could, with as little practical evil as possible. He did not go rashly to work, but duly considered the nature of his *materials*,—materials which he had not the power to select for himself, but which he was compelled to take as he found them; he could not, then, adapt his materials to his work, but was obliged to adapt his work to his materials: he knew what obstacles he would have to encounter from the *resistance* of prejudice, and from the opposition of interest; and he

did not think it wise to risk the loss of his plan, by a rigid adherence to speculative opinions of purity and justice, however well founded they might be. He would have wished, indeed, to carry it by different means ; but he did not, therefore, think himself justified in rejecting the only means by which he could expect to carry it. In theoretical wisdom, as in some other respects, Mr. Fox was equal to his rival ; but in practical wisdom Mr. Pitt was greatly his superior ;—and wisdom, in a statesman, is to be appreciated by the effects of its application to purposes of practical utility.—The opponents of the motion exceeded its supporters by 74 ; and it was therefore lost, the division being—for it, 174, and against it 248.

The motives which induced the rejection of this plan appear to have been much the same with those of a modern writer, whose “ Principles of moral and political Philosophy” have been too loudly commended, and too hastily adopted, without a due examination of their basis, and without a proper regard to their consequences. The book in question, which it is foreign from the purpose of this history to analyze, contains many positions of a most questionable nature, some which are highly dangerous, and others which are utterly untenable. In allusion to the present subject of Parliamentary reform, Dr. Paley, who wildly considers *expediency* as the criterion by which *every* political question is to be decided, observes : “ we consider it (representation) so far only as a right at all, as it conduces to public utility : that is, as it contributes to the establishment of good laws, or as it secures to the people the just administration of those laws. These effects depend upon the disposition and abilities of the national counsellors : wherefore, if men the most likely, by their qualifications, to know and to promote the public interest, be actually returned to Parliament, it signifies little who returns them. If the properest persons be elected, what matters it by whom they are elected ?” It may briefly be asked, without admitting the alleged basis of the right, whether the *disposition* of a member is not likely to be influenced by the means by which he has acquired his seat ? And again, whether the electors of the county of Wilts are not more likely to elect such men as are properly qualified to promote the best interests

of the state, than the electors of Old Sarum?—These are the true points for consideration.—Dr. Paley thus concludes his observations. “At least no prudent statesman would subvert long established, or even settled rules of representation, without a prospect of procuring wiser or better representatives. This then being well observed, let us, before we seek to obtain any thing more, consider duly what we already have.”—*This* is, unquestionably, the language of a wise man. The subversion of long established, or even settled rules, is a most dangerous experiment; but the improvement of a rule is very different from the subversion of it; so different, indeed, that instead of promoting its destruction, it tends to prolong its existence.—“We have a House of Commons, composed of five hundred and forty-eight members, in which number are found the most considerable landholders and merchants of the kingdom, the heads of the army, the navy, and the law; the occupiers of great offices in the state, together with many private individuals, eminent by their knowledge, eloquence, or activity.”—If this were a true description of the House of Commons, the conclusion would be obvious enough; but is it so? or is not this rather a *petitio principii*,—the assumption of a disputed, or, at least, a disputable fact, as the ground of argument? The doctor should have put this point hypothetically, when, admitting his hypothesis, his inference would have been secured from attack; but having stated it categorically, he has exposed himself to contradiction. There can be no doubt that the House of Commons, as actually constituted, contains *some* of the different respectable classes of persons here described; but it is equally certain, that it contains many of an opposite description;—and whether or no this last class of persons would be excluded by any proposed plan of improvement, in the mode of representation, is a question well worthy of attention and discussion. Having, however, established his position, the doctor thus pursues his argument: “Now, if the country be not safe in such hands, in whose may it confide its interests? If such a number of such men be liable to the influence of corrupt motives, what assembly of men will be secure from the same danger? Does any new scheme of representation promise to collect together more wisdom, or produce firmer integrity? In this view of the subject, and attending not to ideas of order and propor-

tion, (of which many minds are much enamoured) but to known effects alone, we may discover just excuses for those points of the present representation which appear to a hasty observer most exceptionable and absurd*."

Mr. Pitt's new scheme certainly did tend to collect together more wisdom, and to produce a greater proportion of firm integrity. And, without being influenced by any *architectural* notions of *order* and *proportion*, which, applied to a system of *representation*, would be perfectly ridiculous, it may safely be contended, that no solid or justifiable inference can be drawn from known effects in favour of those decayed boroughs, which appear, not merely to superficial or hasty observers, but to men of sense and reflection, most exceptionable and absurd. It would, indeed, be insanity, to subvert long established institutions, in order to introduce any vague and indefinite plan of reform;—but subversion, it must be repeated, is not necessary for the purpose of *improvement*;—whatever exists, that is conformable with the fundamental principles of the system, may remain;—but excrescences, which time and fortuitous circumstances have produced, may be gradually removed, until they shall be totally eradicated; and the system, far from being injured by such an operation, will be meliorated, strengthened, and confirmed. It is not improbable, however, that Mr. Pitt, at a more advanced period of his political life, adopted the sentiments of Dr. Paley, since, as has been observed before, his sentiments on the subject of parliamentary reform underwent a material change. But, though it cannot be supposed, that such a change took place, but after the most mature consideration, and on grounds that were perfectly satisfactory to Mr. Pitt, still his arguments retain their original force; they must be tried by their own merits; and, it is apprehended, that whoever examines them with an attentive and impartial mind, will be led to acknowledge their validity.

The financial statements of Mr. Pitt had, at the time at which they were made, called forth many expressions of doubt, and many symp-

* Paley's Principles of Moral and Political Philosophy, vol. II. p. 219.

toms of incredulity, from the members of Opposition, who, after much previous consultation, determined to make them the subject of a particular discussion. And, accordingly, on the 29th of April, Mr. Fox moved that a committee should be appointed for the purpose of investigating them. This motion gave rise to a short debate, after which it was rejected by the House. In the following week, Mr. Francis moved for the appointment of another committee to take into consideration the several lists and statements of the East India Company's establishments in India, which had been laid before the House during that year. Mr. Fox was very earnest in his support of the motion, and in his expressions of surprise at the opposition which it experienced. He represented the statement of the Directors as having been framed for the purpose of delusion; taxed them with the commission of deliberate and systematic falshood; and stated their conduct to be in strict conformity with that of his Majesty's ministers. At this last part of his speech, Mr. Fox observed Mr. Pitt and the Master of the Rolls to laugh, when, unable to repress his feelings, he said, he saw he was treated with personal indecency, by gentlemen whose indecency was a matter of mere indifference to him. He disregarded the incivility of such conduct, and he should treat it with contempt. Mr. Pitt, in his answer, shrewdly observed, that, considering the extreme decorum which, at all times, distinguished the arguments of Mr. Fox, considering the coolness and moderation of his language, together with the measured propriety of his manner, he had certainly a very substantial ground of complaint, if any thing like disrespect and indecency were offered to him. For his own part, as it was far from his intention to be guilty of such a breach of good breeding, he was ready to do, on that occasion, what he had seldom done before, and what he believed he should seldom do in future, namely, to make him apology. This he was the more willing to do, as it would afford him an opportunity of explaining to the House the nature of the alleged offence, and the cause which had given rise to it.

He had long admired the great abilities, and the surprising powers of argument and of eloquence with which that gentleman was so eminently endowed; but there were also other qualifications belonging to

him, which had not escaped his wonder, in the general view and contemplation of his character. It was the display of some of those qualifications, during his late speech, which had given occasion to that conduct, for which the House had just then heard him so severely censured. Mr. Fox, finding the question before them not applicable to any of his favourite purposes, had, with his usual ingenuity, and agreeably to his usual practice, contrived to introduce another subject, better calculated to afford him an opportunity of gratifying his passions and resentments, and of giving vent to those violent and splenetic emotions, to which his present situation so naturally gave birth ; a situation in which, to the torments of baffled hope, of wounded pride, and disappointed ambition, was added the mortifying reflection, that to the improvident and intemperate use which he had made of his power and influence, while they lasted, he could alone attribute the cause of all those misfortunes, to which he was used so constantly, so pathetically, but so unsuccessfully, to solicit the compassion of the House. Feeling, as he did, for that gentleman, he declared, that he should think it highly unbecoming in him to consider any of his transports, any of these ecstasies, of a mind labouring under the aggravated load of disappointment and self-upbraiding, which at present were his lot, as objects of any other emotion, in his mind, than that of pity, certainly not of resentment, nor even of contempt.

What the particular countenance was, which had given so much uneasiness to Mr. Fox, he could not well explain to the House ; but he remembered, at the time, that it proceeded from no other impulse of his mind, than that of surprise, at the singular adroitness with which he found a dry and insipid question of accounts converted into a subject for such sublime and spirited declamation, as that with which the House had just then been entertained ; and he could not but think, that, considering all circumstances, there was great judgment in the change which the Right Honourable Gentleman had made, as so much better adapted to his purposes, his talents, and his information.

Pursuing this strain of irony, Mr. Pitt expressed his wish that Mr. Fox's present attack upon the credit of the East India Company might

be productive of the same consequences which had followed all his late attacks on the public credit of the nation, namely, a great and rapid increase in the value of the stocks. When he considered the latitude which he (Mr. Fox) had allowed himself, in the use of his expressions, and compared it with his extraordinary sensibility, to a silent, and almost imperceptible, relaxation of features, he was inclined to suppose, that he meant to maintain the doctrine, that a silent spectator ought to endeavour, by all possible means, to avoid even a look that might give offence, while he that was speaking had a right to consider himself as absolved from all the restraints of moderation, good manners, or even of common decency.

Mr. Pitt then adverted to the motion, and observed, that there could be only two grounds for the appointment of a committee; either with a view to found, on their report, some criminal charge against the Directors; or the gratification of an idle curiosity. As to the former, it was totally out of the question; for the calculations, which were deemed delusive, had not been made on any existing grounds, but on future contingencies. The conclusion of a peace, at a given period, was the assumed *datum* on which they had proceeded; and that not having taken place, their disbursements were necessarily increased, their resources diminished, and their calculations were, of course, erroneous. The inquiry, he considered as calculated to give much unnecessary trouble, and to answer no one purpose of public utility; and on this ground he resisted it.

In the course of his speech, Mr. Pitt took occasion to advert to Mr. Fox's India bill, which afforded very strong ground for a motion, founded on a wish for the gratification of curiosity; and, in his remarks on it, mentioned some curious facts, which had not before been the subject of public notice. When it was considered, he said, to what a surprising extent the bold and aspiring authors of that plan had endeavoured to carry it; that it embraced the whole of the executive government, the whole of the patronage, and in short, every political function of the Company, and transferred them to the Right Honourable Gentleman, in such a manner, as to have secured to himself and his

friends, a power over this country, as well as over India, which should have continued to last until, by a few more such experiments on both countries, they had rendered either no longer worth the holding;—when it was considered, that it had been complained of, that one source of the calamities of the Company proceeded from the too great influence of patronage, and the abuses to which it had been made instrumental, and yet, that, to cure these abuses, that very influence from which they sprung, was to be increased to such an extent, and modelled in such a manner, as to leave no hope of its not being used for much more dangerous purposes than any yet known, except from the acknowledged immaculacy of the hallowed hands in which it was to be placed:—under such circumstances, he contended, a Parliamentary inquiry would have been a most interesting and beneficial experiment. He had, in his hand, a list of the officers which that famous bill made removable at pleasure, a few of which he would mention to the House, in order that they might judge whether the universal opinion entertained at the time of the evils likely to result from the increase of patronage, and from the placing that patronage in dangerous hands, could be called, with any regard to the meaning of the word, a delusion. Here Mr. Pitt read, from the paper in his hand, the following list of places, besides the Governor and Council,—one of £25,000 per annum; one of £15,000; five of £10,000; five of £9,000; one of £7,500; four of £5,000; twenty-three of £3,000; and so on, progressively, till he came to places of £1000; which, he observed, were, in comparison with the others, so trifling, as scarcely to be worthy of notice.

The effect of such an immense patronage, in the hands of an ambitious and aspiring minister, who had avowed his opinion that the House of Commons had, and ought to have a virtual and efficient control over the choice of the King's servants, may very easily be conceived. False, and unconstitutional in its tendency as such an opinion was, the possession of this patronage would have given a wonderful facility, not only to its general adoption, but to the practical assertion of it by the House; and the regal authority would have re-

ceived a wound, from which it would, with difficulty, have recovered. —The motion of Mr. Francis was negatived by a majority of 116.

Towards the close of this session, Mr. Pitt entered into a general review of the financial state of the country, as a preparatory measure to the introduction of the budget for the year ; for the arrears of the late expensive war rendered a still further supply necessary. In this statement he estimated the whole annual expenditure at £14,400,000; and proceeded to compare it with the annual income. As the ground of his calculation, he took the produce of the two quarters, ending the 5th of January, and the 5th of April, 1784, and the produce of those ending the 5th of January, and the 5th of April, 1785. The produce of the first of these quarters was £2,585,000 ; of the second, £2,198,000 ; of the third, £2,738,000 ; and of the fourth, £3,066,000. From this produce he deduced the probable amount of the yearly produce of the existing taxes, which he estimated at from £12,000,000 to £12,600,000. And on another calculation, founded on the expectation of a progressive increase, but not as one on which much reliance ought to be placed, he made the probable yearly produce of the taxes amount as high as fourteen millions and a half. The aggregate amount of the supplies voted this year, was £9,737,868 ; but there was a deficiency of one million in the ways and means provided for them. This sum he proposed to borrow from the Bank at 5 per cent. because the Bank would advance the money as government called for it, and the interest was to be calculated only from the time when the different advances were made. But the most important operation of finance, at this moment, was the funding those navy bills and ordnance debentures, which had been left unfunded on the winding up the accounts of the war in the last session ; these Mr. Pitt proposed to fund, in the present year, although they amounted to ten millions and ten thousand pounds.

The interest of £6,000,000 of these bills, at 4 per cent. had been already provided for ; so that only £300,000 would be necessary for the interest of the remainder ; and this, together with £50,000, for the

interest of the loan from the Bank, and £40,000 to replace a repealed tax on calicoes, would make the whole sum wanted about £413,000. Mr. Pitt proposed funding in the 5 per cent. because, although the immediate loss to be incurred by such preference would be about £30,000, yet, from the facility of paying off that stock, whenever such an event should take place, there would be an ultimate gain of nearly £3,000,000.

The taxes proposed for raising the sum of £413,000 were an additional duty on men servants ; a tax on female servants ; a tax on retail shops ; an additional tax on post-horses ; a tax upon gloves ; and a tax on pawnbrokers' licenses. These were estimated to produce £422,000. There were also some other taxes adopted, (without any calculation of their produce) on game certificates ; coach-makers' licenses ; on carriages ; on the servants of bachelors ; on attornies ; and on warrants of attorney. Some opposition was made to the proposed tax on female servants, but the objections were overruled by the House, and all the taxes were agreed to.

In addition to the economical arrangements which Mr. Pitt had already promoted, in the different public offices, he now brought in a bill for “ appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or lately have been, received in the several public offices to be therein mentioned ; to examine any abuses which may exist in the same ; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.” The bill was opposed with great warmth, as being unnecessary, the Treasury being already in possession of the requisite power for instituting the proposed enquiries ; and as being futile, from holding forth a prospect of reform, without the ability to realize it ; on the other hand, it was defended, on the ground that the objects it embraced were so numerous, as to require particular commissioners, while their number rendered their reform an object of consequence to the country.—These last arguments prevailed, and the bill passed into a law.

During this session, great progress was made in the arrangement of a new commercial intercourse between Great Britain and Ireland, which the relative situation of the two countries imperiously required. But the measures proposed, and the discussions to which they gave rise, must be reserved for another chapter.

CHAPTER VI.

Retrospective view of the state of Ireland—Relative situation of the two countries, ill calculated for the preservation of harmony—Measures of the Irish Parliament—Volunteers of Ireland become a deliberative and political body—Reflections on their unconstitutional conduct—Conciliating measures of the English government—Legislative independence of the Irish Parliament acknowledged—The Irish Volunteers become clamorous for Parliamentary Reform—The subject introduced to Parliament, by Mr. Flood—Rejected—Declaration of the House of Commons—Address to the King—Violent proceedings of the armed Associations—Meeting of the Congress in Dublin—Prosecution of the Sheriff.—Application of the Congress to Mr. Pitt—Mr. Pitt's answer—False views of Reform imputed to Mr. Pitt—System of commercial intercourse prepared by the British ministers—Resolutions, constituting its basis, submitted to, and adopted by, the Irish Parliament—Mr. Pitt opens the subject to the British House of Commons—Discussions thereon—Resolution adopted—Amended resolutions brought forward by Mr. Pitt—Objections thereto—Passed by a great majority—System opposed by the British manufacturers—Favourable to the Irish—Great dissatisfaction of the Irish public at the proposed measures—A party anxious to promote a separation of the two kingdoms—Their motives explained—Debates on the commercial system in the Irish House of Commons—Vehemently opposed by Messrs. Flood and Grattan—Supported by Messrs. Fitzgibbon, Hutchinson, and Foster—Small majority in favour of the measure—The plan given up—Remarkable speech of Mr. Curran.

[1785.] From the commencement of the reign of George the Third, the state of Ireland had attracted the most serious attention of the British government, to which it had, occasionally, been a source of great apprehension and alarm. The relative situation of the two countries was, indeed, well calculated to engender dissensions, and to afford just grounds for mutual complaints: with distinct Parliaments, separate laws, and different governments, but united under one common Sovereign, it might easily be conceived, that an opposition of interests would often occur; and that emulation, envy, and pride would prove the fertile parents of discontent. The distress produced by the American war, in the injury of our manufactures, in the limitation of our

commerce, and in the great depreciation of landed property, had been extended to every part of the British dominions ; and Ireland, from the nature of her situation, and the peculiar objects of her trade, would, probably, have been found to sustain more than her equal portion of the general loss, had there been any means of proportioning losses of that description, to the population and resources of any particular country or district. With every disposition to afford relief to the sister kingdom, the government, under the inefficient administration of Lord North, had been deterred by the clamours of the British manufacturers, from adopting such measures as were acknowledged to be necessary for the purpose. Popular clamour became louder and louder in Ireland : resolutions were entered into for the non-importation and non-consumption of British articles ; and acts of violence and outrage were committed on those who had refused to enter into these associations, or to abide by their decision. The Parliament of Ireland betrayed a similar disposition, and evinced a similar spirit. They asserted their own independence, demanded a restoration of commercial freedom, and passed a mutiny act, which they had not done before, the mutiny act, passed by the British Parliament, having always extended, in its operation, to the army in Ireland. Some measures, which had been enforced for preventing the supply of our enemies with provisions from Ireland, had created great discontent, which was further increased by the obligation imposed on the Irish to import all the produce of the West Indies from England.

But, alarming as this spirit was, it was rendered infinitely more formidable by a proceeding of a very different nature, to which it had given birth. In different parts of Ireland, the dread of an invasion was either the cause, or had been made the pretext, for the creation of a large body of volunteers, who professed to stand forth the champions of their country, ready to defend her from the attacks of her enemies. These men, to the amount of fifty or sixty thousand, embodied themselves, spontaneously, without any application for the consent of government, and without any legal authority. The government, however, wanted either the strength or the resolution, to resist such unconstitutional and most dangerous conduct ; and, therefore, instead of suppress-

ing these associations in their infancy, as it was their duty, under such circumstances, to do, they supplied them with arms, though not with a sufficient quantity for the whole body.

At the close of the year 1779, and early in the year of 1780; Lord North had brought bills into the British House of Commons, which passed into laws, for affording relief to the Irish, in the article of commercial restrictions. By these bills, many of the prohibitions which injured their trade were removed, and they were allowed to carry on a direct and free trade with the British colonies, in the West Indies, and America; and with the British settlements on the coast of Africa. But though these measures were received with joy, they did not satisfy the Irish; other grounds for discontent were now brought forward, and the volunteers exhibited to the country the alarming spectacle of *an armed body of political reformers*. Delegates, from nearly every volunteer corps in Ireland, assembled for the discussion of political questions, and came to various resolutions. The moment soldiers become a *deliberative body*, there arises in a state a power superior to the law; the constitution is exposed to the most imminent danger; and, unless efficient means be taken for crushing the many-headed monster in its birth, will speedily be destroyed;—the sceptre will then yield to the bayonet, and all the fruits of legislative wisdom will give place to the iron despotism of military rule. Resistance, however, to these illegal proceedings, was not even attempted: a plan of conciliation was preferred; and, in the year 1782, the declaratory act of George the Second was repealed. In the following year, the British Parliament, by another statute, renounced all authority over Ireland, in matters both of legislation and jurisdiction; and thus the political independence of that country was completely established.

But, though the Irish had now obtained the grand object of their declared wishes, the voice of discontent was still heard among them. And, although the conclusion of peace had deprived the armed associations of the pretext under which they had originally assembled, they not only refused to disband, but continued to hold political meetings, to deliberate and to resolve. They professed, at the present conjunc-

ture, to limit their object to a reform in Parliament; they drew up a plan for this purpose—one part of which was, that Parliaments instead of being *septennial*, should be made *triennial*. The orator selected to plead their cause, in Parliament, was Mr. Flood, who moved the Irish House of Commons for leave to bring in a bill for carrying their plan into execution. But, by this time, the Irish Parliament had acquired a just sense of the danger of their situation; they, very properly, refused to discuss the merits of the proposed plan; and wisely contended, that the House could not possibly, without a gross violation of its trust, and an abdication of its authority, consent to receive propositions tendered to them at the point of the bayonet, by a body of armed men. That, however respectable they might be in other respects, yet, to suffer them to beset the House of Parliament with arms in their hands, would be to establish a precedent subversive of the very existence of all order and government. They went still farther, and, after rejecting the motion, by a division of 157 to 77, they resolved, “that it was now necessary to declare, that the House would support the rights and privileges of Parliament against all encroachments.” They also presented an address to the King, jointly with the Lords, expressive of the happiness which they enjoyed under his Majesty’s government, and assuring him of their determination to support the present constitution with their lives and fortunes.

When these measures were reported to the armed Convention, by Mr. Flood, the delegates resolved to present a counter address to the King, in which they imputed their conduct to no wish for innovation, but to a desire to purify and uphold the constitution. And, in March 1784, Mr. Flood again brought forward his plan of reform in Parliament, which was rejected, as before. Enraged at their disappointment, the volunteers acquired additional courage from defeat; and they endeavoured to increase their numbers, by calling on the great body of the people to arm. At a large meeting, held in Dublin, another petition to the King was drawn up, complaining of grievances, and calling for redress; and it was determined to convene a general congress in the metropolis, to consist of deputies from every county and considerable town in the kingdom. Thus was an *imperium in imperio*

erected in the very seat of government, and a foundation laid for every species of anarchy and misrule.

In the month of July, 1784, another petition to the King, from the inhabitants of Belfast, of the same tenor with the Dublin petition, was forwarded to Mr. Pitt, who, they absurdly supposed, would favour their views, because he had himself proposed a plan of parliamentary reform to the British Parliament. Mr. Pitt, however, convinced them of their mistake, by informing them, “ that he had undoubtedly been, and still continued, a zealous friend to a reform in Parliament ; but that he must beg leave to say, that he had been so on grounds very different from those adopted in their petition ; that what was there proposed, he considered as tending to produce still greater evils than any of those which the friends of reform were desirous to remedy.”

Government were now seriously alarmed ; they had lost sight of the wise maxim, *obsta principis* ; but they, at last, resolved to supply the defect of foresight by exertions of vigour. As the period approached for the intended congress at Dublin, the Attorney-general wrote to the Sheriffs, who had signed the summons for the meeting, to apprise them that they had been guilty of a gross breach of their duty, of which he should hold himself bound to take legal cognizance. The Sheriffs, in consequence, forbore to attend, but the meetings were holden ; delegates were then chosen, and several violent resolutions adopted, expressive of their right to assemble, whenever they thought proper, for the redress of grievances. The Attorney-general put his

* In Dodsley's Annual Register for 1786, a work conducted with considerable ability, but with a marked partiality on Irish affairs, with an evident bias to a particular party, and with a strong propensity to encourage and support all the claims of the Romanists, Mr. Pitt is falsely asserted to have supported, in England, “ the same measures” of parliamentary reform, as were adopted by the volunteers of Ireland ; and again, that the measures of the latter were “ founded on principles which he (Mr. Pitt) had himself so often, and so ostentatiously avowed.” As the whole of Mr. Pitt's plan of reform has been already detailed, with equal minuteness and accuracy, it is needless to state, that *triennial Parliaments* constituted no part of it ; and that it differed, very essentially, in many other respects, from the plan submitted to the Irish Parliament by Mr. Flood.

threat in execution, and proceeded against Mr. Reilly, one of the Sheriffs, by *attachment* from the Court of King's Bench—a process as old as the laws themselves. The charge against him was, for having summoned and presided at a meeting, for the appointment and instruction of delegates, on the 19th of August, 1784.—The assembly itself, and their resolutions, were declared to be illegal ; and Mr. Reilly was sentenced to pay a fine of five marks, and to be imprisoned a week. Other magistrates were proceeded against in a similar way, for similar offences ; and the printers and publishers of the violent resolutions were also punished.

Undismayed by these proceedings, the congress met on the 25th of October, 1784 ; but, as many of the delegates did not attend, the meeting was adjourned to the second of January following, when they assembled to the number of two hundred and upwards. Another application to Parliament was now resolved on ; on the 20th of April they held their final meeting ; and on the 12th of May, Mr. Flood again submitted the subject to Parliament, when his motion was again rejected.

Meanwhile, the spirit of discontent was greatly increased by the distress of the people, who, having foolishly adopted the notion, that the acquisition of a free trade, and of political independence, would be productive of instantaneous plenty and opulence, grew outrageous, on discovering the fallacy of their ill-grounded expectations. The distress now experienced was owing, partly, to causes which affected both countries, generally, but still more to the idleness of the lower classes of Irish, and to the wild speculative, political, pursuits of the better sort. Some measures were projected for increasing the home consumption of Irish manufactures, by the aid of protecting duties ; but these were very wisely rejected by Parliament, who knew that the adoption of them would render similar means necessary in England, and, consequently, tend to increase the distress which they were intended to diminish. The people, however, regardless of the motives by which the Parliament were influenced, became outrageous at the failure of a plan, from which their sanguine minds had led them to expect the most

beneficial consequences ; and it was found necessary to call in the aid of the military to suppress the tumultuous assemblages of the mob in the metropolis.—As the press had very much contributed to inflame the public mind, and to fan the embers of discontent into a flame, Mr. Foster, in April, 1785, brought in a bill “for securing the liberty of the press, by preventing the publication of libels.” This bill required every printer and proprietor of a newspaper to register his name and place of abode, upon oath ; to give sureties for £500 each to answer any civil suits that might be instituted against them ; prohibited them, under a severe penalty, from taking money for the insertion of any slanderous articles ; and compelled hawkers of unstamped papers, of a libellous and inflammatory nature, to prove from whence they received them ; and subjecting them to imprisonment, *ipso facto*, by warrant of any justice of the peace. The latter provision, as well as that respecting sureties, was withdrawn, during the discussion on the bill, which was violently opposed ; but, nevertheless, when so modified, it passed into a law.

While Ireland was so circumstanced, it could not fail to occupy a large share of the attention of his Majesty’s ministers, who were intent on providing such a system of commercial intercourse between the two countries, as should be highly beneficial to both. A series of resolutions were, accordingly, prepared as the basis of this system ; and were submitted to the Irish Parliament, at the beginning of February. Having received their sanction, they were sent to England ; and Mr. Pitt immediately began to arrange the provisions of a commercial treaty, in strict conformity thereto. On the 22d of February, 1785, he introduced the subject to the British House of Commons ; he then stated, that the system for regulating the commercial interests of the two kingdoms, should be founded on principles of expediency and justice. On such principles, the ministers had acted, in the propositions which he had to submit to the House, as the basis of the proposed system. He entered into a long explanation of the conduct of this country to Ireland, during the last century, shewed the relative situation of the two countries, at different periods ; and expatiated on the effects of the concessions which had been already made to the sister kingdom. The farther

concessions which he meant to propose were reducible to two heads. 1. The importation of the produce of our colonies in the West Indies and America, through Ireland into Great Britain. 2. A mutual exchange between the two countries of their respective productions and manufactures, upon equal terms. In return for these concessions, he proposed, that Ireland should agree to the payment of a certain stipulated sum yearly, out of the surplus of her hereditary revenue, towards defraying the general expenses of the empire. He concluded his speech with moving the following general resolution. "That it is the opinion of this House, that it is highly important to the general interest of the empire, that the commercial intercourse between Great Britain and Ireland should be finally adjusted; and that Ireland should be admitted to a permanent and irrevocable participation of the commercial advantages of this country, when the Parliament of Ireland shall permanently and irrevocably secure an aid out of the surplus hereditary revenue of that kingdom, towards defraying the expense of protecting the general commerce of the empire in time of peace." Mr. Pitt did not call upon the House to come to a vote upon the question, but, having opened the business, he moved, that the consideration of the resolution should be adjourned to a future day.

This preliminary step having been taken, a considerable portion of time was spent in examining the merchants, traders, and manufacturers of Great Britain, upon the details into which it would be necessary to enter in the arrangement of the proposed system. During the two succeeding months a great body of evidence was collected, and many petitions were presented to the House against the measure. At length, Mr. Pitt brought forward, on the 12th of May, a set of resolutions, containing the whole of his plan, being the final result of all the information which he had collected on the subject, and of all the reflection which he had bestowed upon it.

The additions to his former plan, in that now proposed, consisted principally in these provisions. 1. That whatever navigation laws the British Parliament should hereafter find it necessary to enact for the preservation of her marine, the same should be passed by the legisla-

ture of Ireland. 2. Against the importing into Ireland, and thence into Great Britain, of any other West India merchandizes than such as were the produce of our own colonies ;—and 3. That Ireland should debar herself from trading to any of the countries beyond the Cape of Good Hope to the Streights of Magellan, so long as it should be thought necessary to continue the charter of the East India Company.

The object of these provisions must have been obvious to every one ; and it was natural to suppose, that an ardent desire to preserve our navigation laws inviolate ; to secure our West India planters and merchants against the losses which they must sustain from the importation of the produce of foreign colonies into Ireland ; and to keep our faith with the East India Company, by protecting the privileges secured by their charter against all invasion, would have experienced the unanimous approbation of the House and of the country. But this was not the case, for some of these provisions experienced the most marked and decided opposition. The first, in particular, was opposed on the ground that it invaded the acknowledged independence of the Irish legislature, by binding it to make laws at the will of Great Britain.—The objection, however, was easily refuted by the obvious remark, that as it was optional with Ireland to accept or reject the propositions *in toto*, in the event of her acceptance, the obligation to make certain laws for the mutual advantage of both countries would be her own spontaneous act, and not any exercise of authority on the part of Great Britain,

Mr. Pitt defended his propositions at great length, and with great earnestness ; and having fully explained their nature and tendency, he entreated the House to consider and reflect how momentous the object before them was ;—that it tended to conciliate a difference between this and our sister kingdom, which, though now confined to secret repinings, to disgusts, to jealousies, and a war of interests and of passions, might, perhaps, in time, proceed to a length which he shuddered to think of, and could not venture to express ; that the proposed arrangement tended to enrich one part of the empire without

impoverishing the other, while it gave strength to both ; that, like mercy, the favourite attribute of Heaven,

“ It is twice bless’d ;—

“ It blesseth him that gives, and him that takes ;

that, after the severe calamities under which this country had so long laboured, that after the heavy loss which she had sustained from the recent division of her dominions, there ought to be no object more impressive on the feelings of the House, than the endeavour to preserve them from further dismemberment and diminution, to unite and to connect what yet remained of our reduced and shattered empire, of which Great Britain and Ireland were now the only considerable members, in the bond of affection, of mutual kindness, and of reciprocity of interests. He called upon those gentlemen who had enjoyed a share in the Irish government, at different periods, to declare, whether the time was not now passed, when temporary expedients, when lenitives, calculated merely for the purpose of deadening the immediate sense of pain, without even approaching the seat of the distemper, could be administered with safety ? Whether they could silence the demands which the Irish, with a loud united voice, were at this moment making, on the justice, the wisdom, and humanity of the nation ?

He declared, in the most impressive manner, that among all the objects of his political life, this was, in his opinion, the most important in which he had ever been engaged, nor did he imagine that he should ever meet another that would call forth all his public feelings, and rouse every exertion of his heart, in so forcible a manner as the present had done. It was a question in which, he verily believed, was involved every prospect which still remained to this country, of again lifting up her head to that height and eminence which she once possessed among nations ; and of giving to her commerce, her public credit, and her resources, that spring and vivacity which she felt at the conclusion of the last war but one,—which were now so obviously returning, and which, he trusted, she would never be found to want, so long as liberality, public spirit, and disinterestedness, held their place in that House.

But, independently of the particular objection, already noticed, to one of the additional provisions, the measure was strenuously opposed upon the general ground of its hostility to the interests of the manufacturers of Great Britain, who, it was contended, would be materially injured by the proposed arrangement ; and no less than 155 members voted against it in the House of Commons ; where, however, it was carried by a majority of 121. So difficult was it to arrange any plan of mutual benefit, for the commercial intercourse of two countries, situated as Great Britain and Ireland then were, having separate Parliaments, but one common Sovereign,—at least such a plan as would afford satisfaction to both parties, or, indeed, to either party. The propositions underwent a long discussion in the House of Lords, where some amendments were adopted ; and in that state, having received the concurrence of the House, they were returned to the Commons for their approbation. Another debate on the subject took place on the twenty-second of July ; when they were presented in the shape of resolutions *. Mr. Pitt then moved :

“ That the foregoing resolutions be laid before his Majesty, with an humble address, assuring his Majesty that his faithful Commons have taken into their most serious consideration the important subject of the commercial intercourse between Great Britain and Ireland, recommended in his Majesty’s speech at the opening of the present session ; and the resolutions of the two Houses of Parliament in Ireland, which were laid before us, by his Majesty’s command, on the 22d day of February last.

“ That, after a long and careful investigation of the various questions necessarily arising out of this comprehensive subject, we have come to the several resolutions which we now humbly present to his Majesty, and which, we trust, will form the basis of an advantageous and permanent commercial settlement between his Majesty’s kingdoms of Great Britain and Ireland.

* See Appendix A.

“ That we proceeded on the foundation of the resolutions of the Parliament of Ireland ; but, in considering so extensive an arrangement, we have found it necessary to introduce some modifications, and exceptions, and we have added such regulations and conditions as appeared to us indispensably necessary for establishing the proposed agreement on just and equitable principles, and for securing to both countries those commercial advantages, to an equal enjoyment of which they are in future to be entitled :

“ That his Majesty’s subjects in Ireland, being secured in a full and lasting participation of the trade of the British colonies, must, we are persuaded, acknowledge the justice of their continuing to enjoy it on the same terms with his Majesty’s subjects in Great Britain :

“ And it is, we conceive, equally manifest, that, as the ships and mariners of Ireland are to continue, in all time to come, to enjoy the same privileges with those of Great Britain, the same provisions should be adopted in Ireland as may be found necessary in this country, for securing those advantages exclusively to the subjects of the empire : this object is essentially connected with the maritime strength of his Majesty’s dominions, and consequently with the safety and prosperity both of Great Britain and Ireland.

We therefore deem it indispensable, that these points should be secured, as conditions necessary to the existence and duration of the agreement between the two countries : they can only be carried into effect, by laws to be passed in the Parliament of Ireland, which is alone competent to bind his Majesty’s subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.

“ It remains for the Parliament of Ireland to judge, according to their wisdom and discretion, of these conditions, as well as of every other part of the settlement proposed to be established by mutual consent.

“ Our purpose in these resolutions is to promote alike the commercial interests of his Majesty’s subjects in both countries ; and we are persuaded, that the common prosperity of the two kingdoms will thereby be greatly advanced ; the subjects of each will in future apply themselves to those branches of commerce which they can exercise with most advantage, and the wealth so diffused through every part will operate as a general benefit to the whole.

“ We have thus far performed our part in this important business ; and we trust that, in the whole of its progress, reciprocal interests and mutual affection will insure that spirit of union, so essentially necessary to the great end which the two countries have equally in view.

“ In this persuasion we look forward, with confidence, to the final completion of a measure, which, while it tends to perpetuate harmony and friendship between the two kingdoms, must, by augmenting their resources, uniting their efforts, and consolidating their strength, afford his Majesty the surest means of establishing, on a lasting foundation, the safety, prosperity, and glory of the empire.”

The address was strongly opposed by Lord North, Mr. Fox, Lord Beauchamp, and others, on the same ground on which they had opposed the original resolutions ; they did not, however, press for a division ;—and after an animated reply from Mr. Pitt, in which he endeavoured to shew, that the different grounds of opposition were futile in themselves, and contradictory to each other, it was carried. The address was certainly worded with extreme caution, and contained not a syllable that could either thwart the prejudices, or wound the feelings of that irritable people, to whom it referred. And, upon a careful analysis of the resolutions themselves, it will be found, that they were highly favourable to the Irish ; and that, although as much attention as was practicable, in an arrangement so complicated and so extensive, had been paid to a strict reciprocity of interest and advantage, the manufacturers of Great Britain had better reason to complain of the terms than those of Ireland.

But, notwithstanding this preponderance in favour of the sister kingdom, the Irish viewed with dissatisfaction the progress of the measure. The voice of prejudice was allowed to silence the calls of interest.—And, as if every thing which originated in this country was to be considered, not merely as an object of jealousy and mistrust, but as concealing hostile intentions beneath the guise and semblance of friendship, as great a clamour was raised against the proposed basis of a commercial intercourse, as if it tended to undermine the constitution of Ireland, to sap the liberties of her people, to subvert their independence, and to impose the yoke of slavery on the land. But, in contemplating the transactions of those periods, in which the two countries were concerned, it must never be forgotten, that there always existed in Ireland a large body of men, who anxiously wished to produce a total separation between that kingdom and this. Some of these might be actuated by an ardent love of their country, laudable in its nature, but blind to the real interest of its object: and some, by a towering and restless pride, not subject to the control of reason, and enamoured of independence, without stooping to define, or even to understand it, and even indignantly rejecting the very means by which alone it could be maintained, or the prosperity of the nation and the happiness of the people promoted and confirmed. But these formed only a very small portion of that body which wished to separate the two kingdoms. The rest were actuated by religious bigotry, derived from the tenets of their church, which rendered them uneasy under a Sovereign of a different faith; and which made them perpetually cast a longing eye on the ascendancy which they had lost, and on the possessions which they had forfeited. These, either from the hope to derive advantage from the separation of the sister states, or wishing to revenge themselves on a power who had humbled the pride, and rejected the doctrines of their church, generally joined the discontented party, and threw their weight into the scale of those who opposed the measures of the government.

While the public mind was in this state, the subject of the commercial intercourse was introduced to the Irish House of Commons, on the 12th of August, when it was discussed, not with the coolness and

wisdom which a measure of such extreme importance demanded, but with all the violence which the strongest prejudice could excite, or the most inveterate party-spirit display. Mr. Grattan and Mr. Flood took the lead in opposition ; and they both of them exerted all the powers of their eloquence, to cast an odium, not only on the plan proposed, but on the intentions of the British government. In short, nothing which could tend to inflame the minds of the people, to increase the existing animosity, or to widen the breach between the two countries, was omitted. The objections urged in the British House of Commons, on the pretended invasion of the legislative independence of Ireland which was specifically recognized, in the most unequivocal terms, in the address to the House) were re-echoed, and amplified to the utmost.

The chief points to which the Opposition was directed, were, of course, those which by sophistry could be the most easily perverted from their real meaning and intent, and brought, by ingenuity, to bear the semblance of interference with the legislative independence of Ireland. The perpetual disposition and appropriation of the surplus of her hereditary revenues for purposes of mutual defence ; the obligation to unite with Great Britain in the adoption of such legislative means as circumstances might render necessary for the support of her wise system of navigation ; and the restriction which she had found it necessary to impose, respecting the trade of Ireland beyond the Cape of Good Hope and the Streights of Magellan, in order to prevent a violation of the charter granted to the East India Company, were selected, as affording admirable grounds for the display of popular eloquence, and as the most proper topics for exciting irritation in the minds of the people. Mr. Grattan, in particular, drew a comparison between the concessions which Irish importunity had extorted from British condescension, and that situation to which Ireland would be reduced by the proposed plan of *reciprocal* accommodation, and of *mutual* benefit. “ See,” said he, “ what you obtained without compensation—a colonial trade, and a free trade,—the independence of your judges, the government of your army, the extension of the constitutional powers of your council, the restoration of the judicature of your lords, and the independence of your legislature ! See, now,

what you will obtain by compensation—a covenant not to trade beyond the Cape of Good Hope, and the Streights of Magellan—a covenant not to take foreign plantation produce but as Great Britain shall prescribe—a covenant not to take certain produce of the United States of North America, but as Great Britain shall permit—a covenant to make such acts of navigation as Great Britain shall prescribe—a covenant never to protect your own manufactures, never to guard the *primum* of those manufactures.”

It was not easy to carry perversion and misrepresentation much farther. To sink all the advantages resulting to Ireland from the proposed system, or to make the benefits which she was to confer appear greater than those which she was to receive, were efforts requiring only the exertions of a common mind, and of vulgar intellects ; but, to turn benefits into injuries, and blessings into curses, to convert a boon which Great Britain might either grant or retain, into a right which Ireland could peremptorily demand,—to give, in short, a different shape, colour, and complexion to a plan, from those which it derived from the hands of its parent, and which it presented to every person of common sense, by whom it was viewed and contemplated, called for the display of superior powers, and was worthy the genius of the sublimest patriotism.

The Bill was defended against the unfounded attacks of these vehement orators, chiefly by Messrs. Fitzgibbon, Hutchinson, and Foster, who contended, that there was no more reason to charge it with an invasion of the legislative freedom of Ireland, than there had been to fix a similar stigma on the acts of 1779, and 1784, wherein Ireland had stipulated to trade with the British colonies and settlements, in such manner as Great Britain herself traded, to impose the like duties, and to adopt the same restrictions and regulations ; that in the present bill the same principle of trading was proposed to them, and it was left to them, either to accept or to reject it at their pleasure. Nay, were they even to pass the bill now, the Irish Parliament were left as much at liberty, either to observe the conditions, or to renounce the agreement, *in toto*, whenever those conditions should become ob-

noxious and dissatisfactory, as they were by the acts alluded to. The only difference was, that by the former acts, Ireland had subscribed to the commercial laws, which had been adopted by Great Britain for two hundred and ninety years; (and to which, it might have been added, she was principally indebted for her existing commercial and maritime superiority) by the present, to such as that country should bind itself in future; but that it would be still in the power of the Irish Parliament to renounce these laws, and the whole agreement together, whenever they thought proper.—On the other hand, the commercial advantages offered to Ireland, by the present bill, were maintained to be highly important; the linen trade, (her staple manufactory) was secured to her for ever, against all competition; the colonial trade through Ireland to Great Britain was opened to her; the Irish manufactures had free admission to the British markets; and, as these manufactures were allowed to be re-exported from Great Britain, with a drawback of all duties, the Irish would, in effect, export on the foundation of British capital, at the same time that they were left to employ their own capital in the extension of their home manufactures.

The violent declamations of Messrs. Flood and Grattan, however, were more in unison with the feelings of the public, than the sober and dispassionate statements of their opponents. The motion, indeed, was carried, after a debate which lasted till nine in the morning, for leave to bring in the bill, by a majority of nineteen; but the opposition which it experienced induced the Irish secretary, Mr. Orde, to declare, that after it had been printed, he should not press any further proceedings upon it, until the nation should be led to entertain a better, and more equitable, opinion of the measure, which he was confident, upon a further and more temperate re-consideration of its principles, would be the case. Thus the bill was virtually lost; and not only were those propositions which had engaged so much of the time and attention of Mr. Pitt, and which, in his estimation, were calculated to promote the general interests of the British empire, and the welfare and prosperity of the people of both countries, rejected; but

their rejection was received with acclamations of joy, and with public illuminations *.

* In a speech in the Irish House of Commons, on the 15th of August, when the bill in question was presented, and ordered to be printed, Mr. Curran (the present Master of the Rolls in Ireland) pronounced a pompous eulogy on the opponents of the measure, in which he described, with rather more zeal than piety, Mr. Grattan's eloquence as "*more than human*;" imputed the victory which had been obtained to "the principles of liberty—which had stained the fields of Marathon, stood in the pass to Thermopylæ, and gave to America independence;" and rejoiced, that it was "not a victory bathed in the tears of a mother, or sister, or a wife,—not a victory hanging over the grave of a *Warren* or a *Montgomery*, and uncertain whether to triumph in what she had gained, or to mourn over what she had lost." In the flights of oratory, it would be too much to expect the preservation of those moral distinctions, of which patriots and legislators should never lose sight; it might therefore be improper to comment too severely on the attempt to confound the gallant exertions of a band of patriotic heroes, who nobly sacrificed their lives in defence of the freedom of their country, with the treasonable efforts of rebels to shake off the allegiance which they owed to their lawful sovereign. The demon of rebellion may hang in tears over the grave of a *Warren* or a *Montgomery*, but the genius of royalty will reserve her sorrows for the fate of a *Wolfe*, or an *Andree*.

CHAPTER VII.

State of the Continent—Projected exchange of Bavaria for the Austrian Netherlands—Treaty of Berlin—Insurrection in Hungary—Treaty of Fontainebleau between Austria and Holland—Treaty of Alliance and Commerce between France and Holland—Dissentions in Holland fomented by France—Meeting of the British Parliament—Mr. Fox condemns the conduct of the Government respecting the Treaty of Berlin—His opinion of the policy of continental alliances—Declares his jealousy of French power and ambition—Answered by Mr. Pitt, who disclaims all right of interference, on the part of the British Government, in the concerns of Hanover—Reflections on the duty of a minister in that respect—Motion for fortifying the dock-yards—Mr. Pitt's speech in support of it—Different opinions on the subject—Mr. Sheridan's speech—Remarks on his sentiments—State of the revenue—Mr. Pitt's proposal for the establishment of a permanent Sinking Fund—Combated by Mr. Fox and Mr. Sheridan—Mr. Sheridan's counter-resolutions rejected by the House—Objections to an *unalienable* fund—Mr. Pitt's bill for giving effect to his plan, passes into a law—Bill for subjecting the duties on foreign wines to the excise, introduced by Mr. Pitt—Arguments against it—Receives the Royal assent—Mr. Burke prefers charges of high crimes and misdemeanors against Mr. Hastings—Mr. Fox attacks Mr. Dundas—Mr. Pitt defends him—Mr. Hastings's defence—Mr. Pitt's Speech on the Charge respecting Cheit Sing—Exposes the insidiousness and acrimony of one part of the Charge—Offends both parties by his vote—His conduct explained and justified—Reflections on the influence of political prejudices on judicial decisions—Mr. Dundas's bill for the improvement of the government of India—Opposed by Mr. Burke—Carried—Parliament prorogued.

[1785.] THE appearances of a continental war, which had marked the opening of the present year, long continued to obscure the political horizon, and to bear every indication of a storm ready to burst upon Europe. But the Emperor of Germany, with a mind fertile in expedients for the creation of difficulties, though barren of projects for their removal or their conquest, conceived so many plans of reform, devised so many political schemes, and advanced so many pretensions, that some of them necessarily interfered with, if they did not directly oppose, the others; and the whole together excited so much jealousy in the surrounding powers, that the execution of any part of them was rendered impracticable.

While his claims on the Scheldt remained in suspense, and an appeal to the sword seemed the only mode of decision, Germany was thrown into consternation by the rumour of a projected exchange of the Austrian Netherlands for the electorate of Bavaria. By the acquisition of this important territory, the emperor would have consolidated his dominions, extended his power, and contracted his line of defence. On every account, therefore, the exchange was highly desirable to him. The Empress of Russia had evidently lent her sanction to the plan, since she took the trouble to write to the Duke of Deuxponts, who was heir to the electorate, to request his consent to it. The Duke, however, rejected the proposal with little ceremony, and applied to the King of Prussia, as guarantee of the treaty of Teschen, to protect the Germanic empire against the intended innovation. The King readily complied with his request, as it afforded him an opportunity of enlarging the sphere of his own influence, while it perfectly accorded with his interested views, of preventing the aggrandizement of a power, which he considered as his only dangerous rival.—Through his zeal and activity, operating on the jealousy and the apprehensions of other states, a treaty of union and confederation was signed at Berlin on the 23d of July, 1785, between the King of Prussia, the King of Great Britain, as Elector of Brunswick Lunenburgh, and the Elector of Saxony. The professed object of this treaty was to maintain the indivisibility of the Empire, the general rights of the Germanic body, and those of its individual members.—After much altercation on the subject, and much political intrigue, the Emperor, who had at first disavowed the plan, found himself reduced to the necessity of abandoning his designs. Meanwhile his impolitic reforms in Hungary had so far disgusted that brave people, as to induce them to take up arms in resistance of his authority. During four months the rebellion raged with great fury, much blood was shed, and many enormities were committed ; but the insurgents, having risked a general action with the Austrian army, were easily defeated with considerable slaughter, when their chiefs were put to death, and themselves reduced to obedience.

The opposition and the disappointment which the Emperor had experienced, in the pursuit of these projects, had probably no little effect

in disposing him to accede to the proposals of France, for an amicable termination of his disputes with Holland. Two Dutch ambassadors having been sent to Vienna, in the summer, to satisfy his pride, which had been grievously offended by the insult offered to his flag on the Scheldt, he agreed to renew the negotiations at Paris, under the immediate superintendence of the French minister, the Count de Vergennes, who exerted himself so successfully in accelerating their progress, that the definitive treaty between the Emperor and the States General was signed at Fontainebleau, on the 8th of November, under the guarantee of the King of France.

By this treaty the States acknowledged the Emperor's absolute and independent sovereignty over every part of the Scheldt, from Antwerp to the limits of the county of Seftingen, conformably to a line drawn in 1664; they, consequently, renouncing the right of levying any tax or toll on that part of the river, and binding themselves not to interrupt, in any manner, the commerce or navigation of his subjects thereon; that the rest of the river beyond those limits to the sea, together with the canals of the Sas, the Swin, and the other neighbouring mouths of the sea, were to continue under the sovereignty of the States General, conformably to the treaty of Munster: that the States should evacuate and demolish the forts of Kriuschans and Frederic Henry, and cede the territories to his Imperial Majesty: that, in order to give a new proof to the Emperor of their desire to establish the most perfect intelligence between the two countries, the States consented to evacuate, and to submit to his discretion, the forts of Lillo and of Liefkenshoek, with the fortifications, in their present condition, only reserving to themselves the right of withdrawing the artillery and ammunition.

The Emperor, on his part, renounced all the rights and pretensions which he had formed, or could form, in virtue of the treaty of 1673, upon Maestricht and its depending or adjoining specified territories, and the States agreed to pay to his Imperial Majesty the sum of nine millions and a half of florins, in the current money of Holland. They likewise stipulated to pay him half a million of florins, as an indemnification to his subjects for the damages which they had sustained from

the inundations. The other articles contained the renunciation of various claims and rights on both sides ; mutual cessions of villages or districts ; and various local or internal regulations. No forts or batteries were to be raised in future within cannon-shot of the limits on either side, and those already constructed were to be demolished. All pecuniary claims or debts between the respective states were cancelled ; and the contracting parties were bound to renounce, without any reservation, all further pretensions which either might have to prefer against the other.

Thus terminated this short-lived contest which had threatened to involve the greater part of Europe in the horrors of war ;—a contest by which the Emperor lost in reputation more than he gained in money, and added another to the many proofs which he had already exhibited, of his want of wisdom in the cabinet, and of decision in the field. France availed herself of the increasing influence which the termination of this dispute had given her over the councils of Holland, to conclude a new treaty with that republic, which was signed two days after the other treaty, on the 10th of November. By this treaty, the interests, the power, and the resources of the two states were, as far as possible, identified. They mutually guaranteed to each other the actual possession of all their estates, domains, franchises, and liberties, and mutually bound themselves to protect each other from all hostile attacks in every part of the world. If their united good offices and exertions for the preservation of peace, with respect to either, should prove ineffectual, they were to assist each other by sea and land in specified proportions. France was to furnish Holland with ten thousand effective infantry, two thousand cavalry, twelve ships of the line, and six frigates ; and the States General, in case of a naval war, or in the event of any attack on France, by sea, was to furnish six ships of the line and three frigates ; and in case of an attack on France by land, they were to have the option of furnishing their contingent as they liked, either in money or troops, at the estimate of five thousand infantry and one thousand cavalry. The power which furnished the succours, whether in ships or men, was to support them, wherever they might be employed ; and they were to be at the entire disposal of the

party to whom they were furnished; and if the stipulated succours should prove insufficient for the defence of the party requiring them, or for the purpose of procuring a proper peace, they were to be augmented as the necessity might require; nay, they were bound to assist each other with all their forces, if necessary; with this only restriction, that the contingent of troops to be supplied by the States General, should, in no instance, exceed twenty thousand infantry and four thousand cavalry, and that they were in all cases to preserve the option of furnishing money in the place of land forces.

In the event of a naval war, in which neither of the parties should be directly concerned, they were to guarantee to each other the liberty of the seas. If either party should be engaged in a war, in which the other should be obliged to take a direct part, they were to concert together the most effectual means of annoying the enemy, and neither of them was to have the power to disarm, to make or to receive proposals for a peace, or a truce, without the consent of the other; and no negotiation was to be opened or pursued by either of the parties without the participation of the other; and they were to make each other acquainted with what passed during such negotiation. They mutually bound themselves to keep their forces at all times in good condition, and either party had a right to require and obtain from the other whatever satisfaction might be thought necessary respecting the state of its military and its means of defence. Both parties were faithfully to communicate to each other those engagements which subsisted between them and other powers of Europe, which were to remain untouched; and they promised not to contract any future alliance or engagement whatever, which should be directly or indirectly contrary to this treaty.

It was further agreed, that a treaty of commerce should be concluded, by which the subjects on either side were to be treated or considered by the other as the most favoured nation; and, by one of the separate articles of the present treaty, it was stipulated that both parties should, as much as possible, further their mutual prosperity and advantage, by rendering each other every assistance, both in counsel and succour,

upon all occasions, and not agree to any treaties or negotiations which might be detrimental to each other, but should give notice of any such negotiations, &c. as soon as they should be proposed. The parties being left at liberty to invite any other powers to join in this treaty, it was evidently the design of France to make the States General an associate in her family compact, and to bind them to an observance of all its provisions, as well as to forward all the views of the house of Bourbon. Indeed, by this treaty, the whole system of policy by which Holland had long been guided; a system which had risen out of her religious struggles, as well as out of her local and political situation, was subverted, and she threw herself, without caution, as without reserve, into the arms of that power, who had the greatest means of injuring her, and the greatest interest to carry those means into effect. The influence which France had thus acquired was very speedily felt by the Dutch. By the intrigues of the French minister, civil dissensions were promoted; the republican faction was encouraged to throw off the mask; open attacks were made upon the lawful authority of the Stadtholder, who was soon stripped of his undoubted prerogatives; even the government of the Hague was taken from him; he was compelled to fly for refuge to his own town of Breda; and the republic was no sooner relieved from the dangers of foreign invasion, than she was threatened with the more grievous calamities of civil war.

[1786.] The British parliament resumed its sittings on the 24th of January, when the speech from the throne adverted, in general terms, to the friendly disposition of the continental powers to this country, and directed the attention of the Commons to the improvement of the revenue, and the adoption of means for the gradual reduction of the national debt; but notwithstanding the caution observed in the speech, Mr. Fox seized the opportunity which the motion for an address supplied, of entering into a wider field of discussion, and of largely expatiating on the late transactions on the continent of Europe. He strongly censured the ministers for their impolicy in neglecting the formation of continental alliances, and for their negligence and tardiness in all their negotiations. To their criminal misconduct he ascribed the advantage which France had obtained in their late treaty with the

republic of Holland, and the ridicule to which our ambassador at the Hague had been exposed, by presenting a memorial on the subject after the treaty had been actually ratified. He considered the conduct of the States as highly rash and impolitic, in concluding a treaty which inseparably bound them to the interests of France; and he regarded the treaty itself as dangerous and hostile to this country, inasmuch as it combined France, Spain, and Holland, three of the most powerful maritime powers of Europe, in a confederacy against Great Britain.

His views of this subject, and his notions of the impending danger, were not less just than his ideas respecting the necessary means for averting it. He recommended a closer connection with the courts of Vienna and Petersburg; and he condemned the ministers for offending the very prince whom it was their interest to conciliate. The Emperor, who was the most likely to become a formidable enemy to France, had been imprudently disgusted by the conduct of the King, who, as Elector of Hanover, had joined the German confederacy, formed on the pretence of preserving the liberties of the Empire, but, in fact, to oppose the views and pretensions of the Emperor. He reminded the House, that in all her wars France had been most embarrassed by the dread of attack from the neighbouring powers; her policy, therefore, had been directed to secure their neutrality, and to relieve her from the necessity of keeping up a large military establishment, and, consequently, to enable her to pay greater attention to the increase of her naval force. And hence it was, that during the late war, her army had been considerably reduced, and her navy increased in proportion. The Emperor (whom she still regarded with a jealous eye) was the only power in Europe whom she had any cause to dread. It was therefore her first wish to promote a difference between that prince and Great Britain, and this wish our ministers had fully gratified, by the effects of that league which had provided a gratuitous security for the frontiers of France.

Mr. Fox observed, that an opportunity which had occurred two years before for entering into an advantageous treaty with Russia, had been suffered to escape. He alluded to the period when the Empress

of Russia had just settled her differences with the Porte, on the subject of the Crimea, when she made overtures, of a most advantageous nature, to the British court. At the same time, he expressed his satisfaction at having heard, that a treaty was then actually in a state of forwardness, and in a fair way of being concluded. He next adverted to the projected treaty of commerce between this country and France, against the policy of which he expressed the most decisive opinion, and entered his most solemn protest; and he appealed to the experience of former times, which, he said, proved, that this nation had grown great, prosperous, and flourishing, from the moment that she abandoned all commercial connections with France.

Though Mr. Fox had, on this occasion, wandered far from the subject of the address, yet it was impossible to regret that he had so done, since it gave him an opportunity of displaying that just jealousy of the intriguing spirit, overweening ambition, and encroaching power of France, which every British statesman should entertain and cherish. Mr. Pitt, in his answer, complimented Mr. Fox on the instinctive dexterity with which he was accustomed to leave out of his speeches such parts of the subject as were unfavourable to him; to introduce such matter, however foreign and unconnected, as he expected would be favourable. He then informed the House, that the treaty with the Empress of Russia was in a state of great forwardness, and would, he had every reason to believe, be so completed as to afford general satisfaction. As to the Germanic confederacy, it was a measure, he said, with the merits or demerits of which his Majesty's ministers had no concern; and he desired to have it understood, that Great Britain was by no means committed by any league lately entered into by the Elector of Hanover, but was in the present instance, what she ought always to be, perfectly unconnected with the politics of that electorate. On this point, one of material importance, he spoke without hesitation or reserve. Accident, he said, had placed the sovereignty of the two countries in the same hands; but it by no means followed, that the interests of each must necessarily be the same, though, perhaps, it might be for their mutual advantage to make their interests as reconcilable to each other as possible. He marked the inconsistency of Mr. Fox's

apprehension of our being involved in difficulties through the means of His Majesty's German territories, while he expected that the administration of these territories should be subordinate to, and regulated by, the ministers of Great Britain; as if that very circumstance would not bind this country on all occasions to assist and protect the Electorate; whereas the only way for Great Britain to avoid embroiling herself in quarrels on account of Hanover, was by keeping our government as much as possible, independent of Hanoverian politics.

But Mr. Fox ridiculed the idea, that Great Britain was not committed by treaties, entered into by His Majesty, as Elector of Hanover. And, in order to support his own notions on the subject, he put a variety of cases, in which the King and Elector of Hanover might be engaged on different sides, and the troops of the one oppose the troops of the other. Great Britain might, according to him, be called upon to assist in depriving the King of his hereditary states in Germany; and a British army might act against an Hanoverian army, led by the King in person. That such cases were *possible*, is not to be doubted; that they were *probable*, no man could believe; but that they were sufficient to sanction the interference of the British ministry in the concerns of the Hanoverian cabinet, it required more ingenuity and sagacity than even Mr. Fox possessed to persuade men of sober judgment and reflection. Although the supremacy of both countries be (unfortunately, it must be confessed) vested in the same person, still it is the duty of a British minister to keep them totally separate and distinct, in respect of their political and public concerns. He should never seek to pledge Hanover for the support of interests purely British; and much less should he labour to involve Great Britain in difficulties and disputes on account of Hanover. The utmost point to which the consideration of a common sovereign should lead him, should be the treatment of Hanover as a most favoured nation, and the exertion of his influence with the continental powers, to persuade them to abstain from any invasion of her rights, and from any attempt on her independence. Farther than this, duty forbids the minister to go. The House did not divide on the address.

The first object of importance to which the attention of Parliament and of the country was now called, was a plan originally suggested by the Duke of Richmond, who was master-general of the ordnance, for fortifying the dock-yards at Portsmouth and Plymouth. At one period of the American war, the combined fleet of our enemies had rode triumphant in the British channel, and compelled our own fleet, from the vast inferiority of its force, to seek for refuge in port. It was this circumstance, no doubt, which led the Duke to reflect on the possible consequences of such an event, at a time when our fleet might be absent (as when it was employed in the relief of Gibraltar); in case the enemy should land a considerable force for the purpose of destroying our dock-yards; and, also on the best means of frustrating any such attempt. In his opinion the erection of fortifications was the only plan, easy of execution, and adequate in effect. The matter had, in consequence, been mentioned in the House of Commons, in the preceding session, and the House had, very wisely, referred the consideration of the measure, to a board of military and naval officers, who were deemed most competent to decide on its utility and necessity. This board had accordingly met, and having duly considered the *data* submitted to them, made their report. The plans recommended were then laid before a board of engineers, who estimated the expence at £760,097. This estimate was produced to the House of Commons by Mr. Pitt on the 10th of February; and other papers necessary for the information of the Members having been afterwards brought forward, the 27th of February was fixed for the final discussion of the measure.

But before this period had arrived, the matter had been very fully discussed by the public, as well in the daily prints, as in various tracts and pamphlets which appeared on the subject; and the general tide of public opinion was decidedly hostile to the plan. On the appointed day, Mr. Pitt moved the following resolution, “ That it appears to this House, that to provide effectually for securing his Majesty’s dock-yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most economical principles, and requiring the

smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, ultimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged." Mr. Pitt supported his motion, in a speech of considerable length, in which he answered all the objections to the proposed measure, which he had either seen or anticipated. He inferred the necessity of the plan, from the acknowledged inadequacy of our naval* military force on all occasions to afford complete security to the great repositories of our naval strength ; and he defended it on the ground, that its adoption would allow of the employment of our fleet in distant quarters, while it would admit of a reduction of our land forces.

These conclusions, however, were combated with great force by the leaders of Opposition, as well as by many independent Members of the House. It was certainly a subject which admitted of, and produced, a great diversity of opinions. It was thought by many, that the security which fortifications would bestow, would render the Government inattentive to the increase of our navy, which they justly held to be the main prop and bulwark of our independence, our strength, and our greatness. Others believed, that so great an expence was to be incurred against an imaginary danger ; for that the landing of any force sufficient for the destruction of our dock-yards was impossible ; and that, consequently, the expenditure of so much money to secure us from an attack which could not be made, was a criminal waste of public treasure. And there were some who objected to it on the ground, that it would require a considerable augmentation of our military force. These were opinions that might very naturally be entertained by men who considered the subject with a fair and impartial mind ; and they were such as fully warranted them in opposing the plan. But Mr. Sheridan adopted a line of argument in support of *his* opposition, which is entitled to particular notice. He contended, that to erect fortifications for the protection of our dock-yards was

dangerous and inimical to the constitution. He denied, that the system pursued would have the effect expected, of diminishing the standing army ; but, even allowing that such would be the consequence of the fortifications, it did not follow that there would be less cause for constitutional jealousy. It was of the nature of kings to love power, and in the constitution of armies to obey kings. Whenever we spoke of a constitutional jealousy of the army, it was upon a supposition, that the unhappy time might come, when a prince might be misled by evil counsellors, and that an army might be found, who would support their military head, in an attempt upon the rights and liberties of their country. The possible existence of this case, and the probable coincidence of these circumstances, were in contemplation whenever an argument was admitted on the subject, otherwise we derided the wisdom of our ancestors in the provisions of the Bill of Rights, and made a mere mockery of the salutary and *sacred* reserve with which, for a short and limited period, we annually entrusted our *executive magistrate* with the necessary defence of the country. Having assumed this plain statement of the case, Mr. Sheridan proceeded to observe, that it was not merely to the number of soldiers a king might have, that we were to look ; the jet and substance of the question were, in which of the two situations, the one with, the other without, the proposed fortifications, would such a misled king and his counsellors find themselves in a state of the greatest military force and preparation, and be most likely to command and receive a military support? In this point of view, would it be argued, that these fortresses, which were to become capable of resisting a siege by a foreign enemy landed in force, would not serve as a sufficient strength in the hands of the Crown, when the enemy was his people? Again, he asked, would no stress be given to the great important distinction, between troops selected and separated from their fellow-citizens in garrisons and forts, and men living scattered and entangled in all the common duties and connections of their countrymen? Was this an argument of no weight, when applied to the militia ; who were to form a part of these garrisons? or would it, even for a moment, be pretended that men under such circumstances, and in such disciplined habits, were not a thousand times more likely to despise *the*

breath of Parliament, and to lend themselves to the active purposes of tyranny and ambition, than the loose and unconnected bodies which exist, even with jealousy, under the present regulation? It was unnecessary, he conceived, to press the distinction; the fact was, that these strong holds, if maintained, as they must be, in peace, by full and disciplined garrisons;—if well provided, and calculated to stand regular sieges, as the present plan professed,—and if extended to all the objects to which the system must inevitably lead,—whether they were to be considered as inducements to tempt a weak prince to evil views, or as engines of power in case of an actual rupture,—would, in truth, promise tenfold the means of curbing and subduing the country, that could be stated to arise even from doubling the present military establishment; with this extraordinary aggravation attending the folly of consenting to such a system, that those very naval stores and magazines, the effectual preservation of which was the pretence for these unassailable fortresses, would in that case become a pledge and hostage in the hands of the Crown, which, in a country circumstanced as this was, must ensure an immediate naval submission to the most extravagant claims which despotism could dictate.

Such was the sum and substance of the argument used by Mr. Sheridan, to prove that the measure proposed was dangerous and unconstitutional. But, if it be admitted (and Mr. Sheridan conceded the point, for the sake of the argument) that our fleet might, in time of war, be absent for the specified time; that the French might land a force sufficient for the destruction of the dock-yards; and that the dock-yards could not resist such attacks without the fortifications proposed;—is there a man, endowed with the powers of reasoning and discrimination, prepared to say, that the mere dread of having a King, who would go to war with his people, and employ his troops against them, and who would be tempted to enter on a contest at once so unnatural and so desperate, by having these fortifications to fly to for protection, should operate as a sufficient reason for the rejection of the plan?—It would be an insult to the sober-minded inhabitants of this country, to admit the supposition. Mr. Sheridan, however, advanced more specious and more solid arguments against the measure, derived

from the difference of opinion among the officers, to whose consideration the plan had been preferred, and from the insufficiency of the plan itself, for the alleged purpose of protection and defence. The House was exactly balanced on the question, and the motion was negatived by the casting vote of the Speaker.

Early in the present session, Mr. Pitt had adverted to that part of his Majesty's speech which recommended the adoption of means for the reduction of the national debt to the House. 'This was a subject which had long occupied the attention of the minister, who had conceived the most serious apprehensions from the increasing burthens of the country, and had feared, that, without the application of some countervailing measure, it would be a matter of difficulty to find resources for the support of any future war. But, while he entertained these fears, he saw, in the growing prosperity of the nation, the most ample means for providing the necessary remedy; and he represented, indeed, the state of the revenue to be so flourishing as actually to yield a considerable surplus beyond the annual expences. 'This surplus he declared his intention of applying to the liquidation of the national debt; and he proposed, as a preliminary step to the adoption of his intended plan, that the several accounts and other papers on the subject of revenue, which had been recently presented to the House, should be referred to the consideration of a select committee, which should be directed to examine and report to the House the annual amount of the increase and expenditure in future. This motion met with the unanimous concurrence of the House, the committee was appointed, and their report was laid on the table on the twenty-first of March; and the twenty-ninth was fixed upon, by Mr. Pitt, for the developement of his scheme.

On that day, accordingly, he entered into a clear and perspicuous exposition of the state of the revenue, and of the plan which he had to submit to the House. From the investigation of the committee, it appeared that the actual expenditure was £14,478,181, and the revenue of the year 1805, £15,379,181, leaving an actual surplus of more than £900,000. He demonstrated, by a plain and satisfactory mode of reasoning, the probability of a considerable increase in the receipts, and

the certainty of a diminution in the expences. He proposed, however, to raise the existing supplies to one million, to be applied annually to the extinction of the debt; and the additional sum necessary for this purpose, he intended to raise by taxes that would not be felt by the people. One penny per gallon additional duty upon spirits was calculated to produce £70,000, a small duty on deals and battens imported was estimated at £30,000; and £15,000 or £20,000 more was to be raised by a tax upon perfumery and hair-powder.

In the period of twenty-eight years, which was “but an hour in the existence of a great nation,” the sum of a million, annually improved, would amount to four millions per annum. But Mr. Pitt was anxious to take such precautions as would effectually prevent this appropriated fund from being diverted to any other purposes. Such diversion had been the bane of this country; for, had the original sinking fund been properly preserved, it was easy to prove, that the existing debt would be comparatively light. Every means hitherto adopted for this purpose had proved futile, for the minister of the day had uniformly, when it suited his convenience, applied to that fund which ought to have been regarded as sacred. The mode which Mr. Pitt proposed for preventing the recurrence of a similar practice, was, to vest the million in certain commissioners, to be by them employed in the quarterly purchase of stock, by which means no large sum would ever be ready to be seized upon, on any occasion, and the fund would proceed without interruption. By the quarterly payment of £250,000 in the hands of commissioners, it would be impossible to use the money by stealth, and the advantage of the plan would be too well experienced and acknowledged ever to suffer a public act for that purpose. A minister would not have the confidence to go to that House, and desire the repeal of so beneficial a law which tended so directly to relieve the people from their burthens.

The persons, Mr. Pitt observed, to whom this trust was to be delegated, should be men of rank and distinction, so as to place them above suspicion, and to afford, as far as character could go, a confidence in their integrity for the faithful discharge of their duty. He deemed it

expedient that the Speaker of the House of Commons, for the time being, should be placed at the head of it. Parliament, he thought, in constituting a commission of so much importance towards the support of national credit and prosperity, could not more solemnly, nor more pointedly, promulgate its high sense of the duty by which that commission was bound, than by appointing the first member of the House to preside over it. He was also of opinion, without ascribing any thing personally to himself, that the individual who held an office so intimately connected with finance as the Chancellor of the Exchequer, ought to have a place in such a commission. The Master of the Rolls he deemed proper, from his high rank, as well as from his virtues and reputation, to be another commissioner. He then proposed the Governor and Deputy Governor of the Bank of England; and, lastly, the Accountant General of the High Court of Chancery, who, by virtue of his office, was already employed in disposing of the money of all suitors and wards of chancery in the funds, and of increasing, by that means, the capital, by the accumulation of compound interest.

Mr. Pitt proposed, that the 5th of July following should be the period at which this sinking fund should begin to operate. At that time £250,000 were to be paid into the hands of the commissioners, and the same sum every quarter. This money was to be expended in the purchase of stock, on every transfer day in each quarter, at regular periods and in equal sums. He then moved: "That a sum of one million be annually granted to certain commissioners to be by them applied to the purchase of stock, towards discharging the public debt of this country, which money shall arise out of the surpluses, excesses, and overplus money, composing the fund, commonly called the sinking fund."

There was no difference of opinion manifested by the House, as to the principle of the measure, of making the receipts so far exceed the expenditure, as to leave a considerable surplus, to be applied to the liquidation of the national debt. But considerable objections were started to the mode by which Mr. Pitt proposed to carry this principle into effect. The accuracy of the calculation, by which an existing

excess of £900,000 was made to appear, was first attacked, as being founded on loose and uncertain data, not warranted by the actual state of the finances, or by the prospect which the situation of the country presented. These objections were supported chiefly by Mr. Fox, Sir Grey Cooper, and Mr. Sheridan, the latter of whom embodied them into the following series of resolutions, which he presented to the House, on the 4th of May.—“ 1. That the expected annual amount of the national income stated on the report of the committee, appeared in no respect to have been calculated upon the average receipts of a number of years, but was fixed at the amount of the produce of one year only, with the addition of the probable increase of the new taxes. 2. That it appeared, that the account of the annual expenditure, as opposed to the amount of the income so calculated, was not a statement of the present existing expenditure, or of that which must exist for some years to come, but was formed from the probable reductions, which, it was alleged, would have taken place, in the prospect of permanent peace, towards the end of the year 1791. 3. That the different branches of the revenue, in the period upon which the future was calculated, appeared to have been singularly productive, particularly in the customs. 4. That it did not appear, that any means had been taken, or information called for, in order to ascertain, whether such an increase of revenue had arisen from causes, which were likely to have a permanent operation, or otherwise; and that such an investigation was indispensably necessary. 5. That the uncertainty of estimating, by such a criterion, the expected future produce of the revenue, was still more evident upon a comparison of the quarter-day, ending the fifth of April last, with the same quarter in the preceding year, upon which the future income was calculated, by which it appeared, that the amount of the latter quarter was inferior in the article of customs, by the sum of £188,215. 3s. 4d. to the former. 6. That in the said report, there were certain articles of receipts, erroneously stated, as proper to be added to the future annual income, and other articles of expence, erroneously omitted, to be added to the expenditure. 7. That the sums voted, and to be voted, for the present year, considerably exceeded £15,397,471. 8. That the means by which the deficiency was to be made good, arose from aids and debts, that be-

longed to the present year only. 9. That there was no surplus income now existing, applicable to the reduction of the national debt. 10. That a surplus increase in the ensuing quarters, could arise only in the renewal of a loan for an extraordinary million, borrowed upon exchequer bills in the last year, and which it would be unnecessary to make, but for the purpose of receiving that surplus. 11. That an extraordinary increase of exchequer bills was an inexpedient anticipation of that assistance, which government might receive in the event of a peculiar emergency. 12. That the saving to the public upon the interest of the money borrowed in this way, was rendered precarious by the necessity for the more speedy issuing of such bills, in order that the object for which the loan was made, might be effectually answered. 13. That, admitting, that by the foregoing means the expected surplus would arise upon the three ensuing quarters, it appeared, that there would then be an interval of nearly four years, before the commencement of that permanent peace establishment, which was to furnish, in the reduction of its services, the expected surplus. 14. That in this period it appeared, from the vouchers annexed to the report, and other papers, that a sum amounting to four millions, besides two million due to the bank, would be wanted above the stated annual income. Finally, that for this sum of six millions, there appeared to be no adequate provision or resource."

These resolutions not being supported by any arguments which could convince the House of the fallacy of those calculations, which they condemned as erroneous, or of the insufficiency of those data which they went to overthrow, were negatived without a division.—They related, as will be perceived, only to the first head of objections. As to the other ground of objection, the improper mode of applying the fund, it was charged to be highly impolitic to render the sums to be appropriated to it *unalienable*, under any circumstances whatever; as by that means the revenue of the country would be tied up in a manner that might materially impede the necessary operations of government. It was also contended, that the present large amount of unfunded exchequer bills, which were to be charged on the aid of the next session, would become a serious evil, as they would be the means of reducing

the commissioners to the necessity, from the quantity that would be in the market, to buy their stock dear, and to sell it cheap, and consequently defeat the very plan in question.

In order to remedy this evil, Mr. Fox moved a clause to empower the commissioners named in the bill, to accept so much of any future loan, as they should have cash belonging to the public in their hands to pay for. This, he said, would remove the great objection which he had to the bill, on account of its making the sinking fund unalienable, and it would relieve that distress which the country would otherwise experience, when a new loan was to be raised for the support of a war; whenever that should be the case, it was his opinion, that the minister should not only raise taxes sufficiently productive to pay the interest of the loan, but also sufficient to make good to the sinking fund, whatsoever had been taken from it. If, therefore, for instance, at any future period, a loan of six millions was proposed, and there was at that time one million in the hands of the commissioners, in such case they should take a million of the loan, and the bonus, or *douceur* thereupon, should be received by them for the public.

Mr. Pitt received this clause with the strongest mark of approbation, as well as another proposed by Mr. Pulteney, to enable the commissioners to continue the purchase of stock for the public, when at or about par, unless otherwise directed by Parliament. The bill finally passed the House of Commons on the 15th of May. It met with little opposition in the House of Lords, and, of course, very soon received the royal fiat, and became a law.

Among the objects adverted to in the speech from the Throne, at the opening of the Session, was the improvement of the revenue, by the adoption of measures for the increase of those funds, which in certain branches of it continued to decrease. Mr. Pitt accordingly brought this subject before the House on the 22d of May, when he proposed to transfer certain duties on wines, from the customs to the excise. The motive for this proposal was the great diminution of the amount of the duties on such wines; so great indeed was this diminu-

tion as almost to exceed belief; for the duties were found, at that period, to yield £280,000 less than they had yielded in the middle of the preceding century, although it was perfectly clear, that the consumption had materially increased. The defalcation was supposed to proceed from two causes,—a large contraband trade in foreign wines, and the sale of a beverage brewed at home, and passed off as foreign wine. He proposed to remedy this evil by charging a duty on spurious wine, equal to that now paid on the real foreign wine, and by subjecting the latter to the excise. Mr. Pitt anticipated the objections which would be urged against this measure, on the ground of the extension of a system, which the House had always regarded with an eye of jealousy; but he had taken care to limit the extension to the particular case, and even in that he only permitted the officers of excise to enter the cellars and warehouses of such as dealt in wine, and not the dwelling-houses, even of such dealers.

But, though the objection was anticipated, it was nevertheless urged with considerable force. It was contended, that the practice of gauging was not applicable to such an article as wine; because the constant alterations of the quantity of stock would baffle every attempt to keep a regular account. The other objection, however, founded on the impolicy of ever extending the excise laws beyond their actual limits, was pressed with much greater strength. It is not possible, indeed, to be too cautious in admitting the extension of a principle which can only be justified by necessity. The inquisitorial visits of excise officers should be most strictly limited to the places in which exciseable articles are deposited for sale. And, if ever, through the weakness or profligacy of a minister, and the supineness or indifference of Parliament, such officers should be allowed, under any pretence, to violate the domestic privacy of individuals, an inroad would be made on the constitutional liberties of Britons, which no increase of revenue could repair, no national prosperity compensate. On the 29th of June, the bill, containing these remedies, passed the House of Commons; and soon after, it passed the other House without a division, though part of it was strongly opposed by Lord Loughborough.

During this session, the attention of the House was much occupied with the charges preferred against Warren Hastings, late Governor-General of India. In an early stage of it, Major Scott, who had been in a situation of confidence about the person of Mr. Hastings, and who had now a seat in the House, called upon Mr. Burke to prosecute the charges which he had before preferred against Mr. Hastings, who was now returned from India, and who was not only ready, but anxious, to meet them. Mr. Burke replied by observing, that when the great Duke of Parma was challenged by Henry the Fourth of France, to bring his forces into the open field, and immediately settle their disputes, he answered with a smile, that he very well knew what he had to do, and was not come so far to be directed by an enemy.—The anecdote was by no means apposite, for a Member of Parliament, who openly taxes a public officer in a high situation, with criminal conduct, is bound, both in honour and justice, to bring the party to trial, and so to give him an opportunity of defence against the charges preferred against him; and he is not in a situation in any respect analogous to that of a general, who certainly has the option either to court or to decline an engagement. Nothing further, however, was said at the time, but on the 17th of February, Mr. Burke called the attention of the House to the subject. He then took a view of all the proceedings of the House respecting the affairs of India, marking the various instances of misconduct imputed to the Company's servants, and noticing the royal approbation, which had been bestowed on the different inquiries which had been instituted, as well as the result of those inquiries. It was upon this sanction he stood forward as the accuser of Mr. Hastings, whom he held up as a delinquent of the first magnitude. Mr. Burke then went over the various modes of proceedings usual in such cases, and gave a decided preference to an impeachment. But he advised the House to proceed with great caution, and to examine all the documents which could be obtained before they framed their articles. It would seem, indeed, to be most consistent with justice, and most consonant to the accustomed modes of proceeding in criminal cases, in other courts, to examine all documents necessary to substantiate the charge of guilt, before the charge is preferred, and not first to prefer the charge, and then to search for evi-

dence to support it. This is a mode peculiar to the House of Commons, and arising out of the extraordinary character which that House assumes, when it acts in any thing like a judicial capacity; frequently appearing as accuser, party, and judge—an anomalous combination which no friend of justice can contemplate with satisfaction, or without alarm. Mr. Burke moved for various papers, which he alleged contained evidence relating to the subject.

Mr. Burke had insinuated, that this matter should have been taken up by Mr. Dundas, who had been chairman of the secret committee. That gentleman rose to vindicate his own conduct. He admitted, that he had himself suggested the resolutions, which had for their object the recal of Mr. Hastings, which at that time, he thought a matter of expediency, nor had his sentiments undergone the smallest change. But the subsequent conduct of Mr. Hastings had been highly meritorious, and, therefore, he had approved the vote of thanks which the Court of Directors had conferred upon him. There was certainly no inconsistency in such conduct. Mr. Fox, however, entertained a different opinion, as he pressed the charge of inconsistency against Mr. Dundas with great asperity. Mr. Pitt answered him, observing, that such a charge came with a very bad grace, from one whose conduct in the coalition, which he had formed with a person whom he had been in the habit of loading with the most extravagant reproaches, had sufficiently explained to the public his notions of consistency. He insisted, that the resolutions which had been referred to contained no pledge to punish, or to prosecute. They only recommended, as advisable for the restoration of peace, and the recovery of confidence in India, to recal certain servants of the Company.—Whether the conduct by which the confidence of the native powers had been lost, was imputable as a crime to those servants, was a totally distinct consideration. He agreed with his opponents, that if guilt existed, and was to be prosecuted, Mr. Dundas was full as proper to conduct the prosecution, as any of these gentlemen into whose hands it was likely to fall. But as it had been said, in the course of debate, that there were occasions when the formal rules of common justice might be overleaped, and a prosecution conducted with violence and

resentment, rather than by the dull forms of ordinary proceedings, perhaps, considering the present business in that point of view, the gentlemen who had taken it up were the fittest people to be entrusted with it.

Mr. Pitt did not object to the production of the first papers, for which Mr. Burke moved, but expressed a hope, that he would inform the House, as early and as explicitly as possible, of the nature and extent of the charges which he intended to make. When Mr. Burke, however, proceeded to move for various other papers, he was asked why he did not first bring forward a specific accusation, when the House would be enabled to judge whether the papers required had a reference to the charge or not. The conversation ended by the acquiescence of the accuser in the justice of this requisition, for he read an abstract of the charges which he meant to prefer. These were twenty-two in number ;—first, the Rohilla war ; second, the detention of the revenues of the province of Cola, Alla Habad ; third, the proceedings respecting Cheit Sing ; fourthly, the conduct towards the Princesses of Oude ; fifth and sixth, the ill-treatment of two Rajahs ; seventh, extravagant contracts made by Mr. Hastings in the name of the Company ; eighth, illegal presents ; ninth, disregard of the orders of the East India Company ; tenth, eleventh, and twelfth, extravagant contracts on account of the Company, and enormous salaries bestowed on officers of his own institution ; thirteenth, ambassadors sent to Arcot and the Deccan ; fourteenth, the Mahratta treaty ; fifteenth, the management of the revenues of Bengal ; sixteenth, the ruin of the province of Oude ; seventeenth, the dismissal of Mohammed Khan from the internal management of Bengal ; eighteenth, treatment of the Mogul ; nineteenth, a libel upon the Directors ; twentieth, the Mahratta war ; twenty-first, the suppression of correspondence ; twenty-second, the treatment of Fizullakham. Having read this abstract, Mr. Burke pointed out the relation which the papers he had moved for had to the charges. The papers were granted ; but other papers moved for on a subsequent day, relative to the peace with the Mahrattas, were refused, on the ground, that, if they were produced, they would unfold transactions improper to be disclosed, on grounds of

public policy. The refusal gave great displeasure to the Opposition, who endeavoured to convince the House and the public, that it came from a wish on the part of Ministers to crush the inquiry in its birth. They brought forward the same question on two subsequent days, but it was again rejected by the House.

On the 4th of April, Mr. Burke formally charged Warren Hastings, Esq. late Governor-General of Bengal, with sundry high crimes and misdemeanors, and delivered at the table of the House of Commons, the nine first articles of his charge, and the other thirteen in the course of the following week. Mr. Hastings petitioned the House to have a copy of the articles, and to be heard in his own defence. The former request Mr. Burke opposed, but complied with the latter; the House, however, granted them both, and rejected a motion of Mr. Burke for the House to resolve itself into a committee, and to hear evidence. The rejection was founded on the possibility, that the defence of Mr. Hastings might be so satisfactory, as to preclude the necessity of all further proceedings on the subject. This defence Mr. Hastings began to read, at the bar of the House, on the 1st of May; and it occupied three days; after it was gone through, it was laid on the table, and ordered to be printed for the use of the members.

On the first day of June, Mr. Burke opened the first charge on the Rohilla war, and having adduced all the arguments and facts which his ingenuity and industry could devise and collect in support of it, moved that it afforded just grounds for impeachment. The debate lasted two days, when the majority being of opinion, that the war was unavoidable, the motion was rejected by one hundred and nineteen votes against sixty-seven. On the 13th of June, the charge relating to the oppressive, tyrannical, and cruel conduct to Cheit Sing, the Rajah of Benares, imputed to Mr. Hastings, was brought forward by Mr. Fox, who concluded his speech with a similar motion to that of Mr. Burke. On this occasion Mr. Pitt delivered his sentiments, and clearly proved, by the line of argument which he pursued, and by the conduct which he observed, that he was determined, throughout the whole of this important business, to disconnect it entirely from all party con-

siderations, to divest himself of all political passions and prejudices, in the examination of facts and the comparison of opposite assertions and testimony ; to exercise his own free and unbiassed judgment upon every charge, and to deliver his own sober and solemn opinion, with firmness, but without invective, as became a man engaged in the exercise of a high judicial function. On the present occasion he lamented that his duty peremptorily forbade him to do that which his inclination suggested,—to absent himself entirely from the whole proceedings ; as he felt the greatest difficulty in being obliged to determine on judicial questions, the merits of which were so closely connected with Indian principles and habits ; and that under the insurmountable impression of sentiments and feelings imbibed and matured under the British constitution. In proportion, however, to the magnitude of this difficulty, had been the pains which he had taken to surmount it, by the most laborious investigation, which had enabled him to come to a conclusion satisfactory to his own mind. He observed, that in the discussion of such a subject, there ought to be no object in view, but the honour of Parliament, and the ends of impartial justice, which were necessarily and inseparably connected in the question. He should, therefore, take especial care not to enter upon the business with that sort of temper and spirit, by which some gentlemen seemed to be influenced, and should particularly guard against any impression, similar to that which Mr. Fox had been, so desirous of making on the House, in a manner which he thought, of all others, the most unfair and most inconsistent with every principle of law and justice, by torturing the words and arguments of a man standing on his defence, and drawing from them inferences of motives and of principles calculated to fix upon him, in many instances, a degree of guilt, which even the charges themselves did not impute. He should not suffer such means to bias him in voting a censure, where he did not think censure deserved ; nor should he suffer his indignation at such unjustifiable conduct so far to get the better of him as to make him withhold such a vote, when he was in conscience bound to give it.

Mr. Pitt then took a concise but comprehensive and satisfactory view of the situation of the zemindars in India, of the nature of their te-

nures, and of the ties by which they were bound, and the duties which they owed, to their superior lords. He here clearly shewed, that he had made himself complete master of the subject, which he explained in so simple and perspicuous a manner as to render it comprehensible by the plainest understanding. His general conclusion was, that the zemindars are bound, on all occasions of great emergency, to contribute, either in men or money, in a proportion suitable to their own ability, and to the exigency, of the public; and, in the application of this principle to the case in point, he contended, that the East India Company, as sovereigns of Benares, had the right to call for such contributions on the Rajah, at the period in question. In the course of this discussion, Mr. Pitt strongly censured the conduct of Mr. Francis, who, as a member of the council of Bengal, had sanctioned some of these very proceedings of the Governor General, which, as a member of the British House of Commons, he now reprobated. Such conduct, Mr. Pitt said, afforded some suspicion, that even at the time when Mr. Francis might have exerted himself to prevent many improper steps from being taken, he sat by, contemplating, with a secret satisfaction, the errors of Mr. Hastings, as laying the foundation of future prosecutions against him.

Mr. Pitt maintained, that the question for the House to decide was, whether, in the transaction in question, the conduct of Mr. Hastings could be justified by the necessity of the case, or whether it had gone beyond that necessity. Having proved that the original proceedings against Cheit Sing were perfectly justifiable, he declared his opinion, that the subsequent conduct of the Governor General, in imposing a fine of half a million on that Rajah for his delay in the payment of a contribution of fifty thousand pounds, was oppressive and unjust; but he specifically limited his censure to the exorbitancy of the fine, and expressly protested against any extension of it to other parts of the charge.

In noticing the second part of the charge, he made some particular animadversions on the manner in which it had been opened by Mr. Fox. This part was entitled, *Designs of Mr. Hastings to ruin the*

Rajah of Benares ; and it was stated in the charge, that as soon as Mr. Hastings found himself in a majority at the council, (in which he had been before out-voted) by the deaths of General Clavering and Colonel Monson, he suddenly made use of his power to enforce the demand of an extraordinary subsidy from Cheit Sing, in order to furnish himself with the means of wreaking his vengeance on that prince. Mr. Pitt desired the House to pause for a moment, and to consider the full force of the insinuation contained in these words. Could there be a more malignant charge brought against a man, than that which he had just stated ? was it not of such a nature, that every one who heard it must necessarily conclude, that it was the intention of the accuser to impress the minds of men with an opinion, that this act of Mr. Hastings was the effect of a wanton and deliberate malice, long bent on an act of cruelty and injustice, to which he gave vent on the very first opportunity ? Mr. Pitt forbore to lay any stress on the fact of Mr. Hastings having been in possession of a majority in the council from the death of Colonel Monson, which had happened long before ; all that it was necessary for him to state, as a complete antidote to every unfavourable impression to which the unwarrantable acrimony of the charge might have given birth, was, that two days before the resolution for exacting the five lacks of rupees from Cheit Sing had been proposed in the council, Mr. Hastings had received certain intelligence, that France was at war with this country. To have passed over such a circumstance as this, so obvious and so striking, and to discover a motive so base and diabolical, as that which he had imputed to Mr. Hastings, could only be accounted for on principles extremely injurious to the candour and integrity of the member who had preferred the charge, or else on the supposition that the laborious and pertinacious attention which distinguished his conduct in every other part of the proceeding, was, in the present instance, more unfortunately for himself than for Mr. Hastings. *somewhat off its guard*. The resolution proposed by Mr. Fox, was carried by one hundred and nineteen votes against seventy-nine.

The discrimination exercised by Mr. Pitt, in the examination of this charge, and in his vote upon it, was pleasing neither to the accusers nor to the friends of the party accused ; by both of whom he

was openly censured, and by whom motives were imputed to him, which he certainly never entertained. While one side wished him totally to exculpate the Governor General, the other was dissatisfied with the limitation of his censure to a particular point. His conduct, however, was such as justice demanded, and as conscience approved. He had no notion of mixing judicial decisions with political considerations; and, in examining the grounds of a serious accusation, upon which he was called upon to decide, it never appeared to him necessary to inquire by whom it was preferred, against whom it was directed, or in what motives it originated, with any view to form his decision on the result of such inquiry. He knew, that whenever the spirit of party was suffered to interfere with the administration of justice, it gave to justice its own nature and complexion, sullied its purity, and perverted its decrees. The history of his own country supplied him with lamentable instances of the evil effects of converting politicians into judges; he was fully aware that, in the assembly to which he belonged, judicial questions were not less liable to the operation of passion and prejudice, than those of a nature purely political; and he therefore wisely resolved to give his judgment fair play, and to take his conscience for his guide. Yet, it is a melancholy truth to observe, that so seldom is this rule of conduct adopted by public men, that it never fails to excite surprise, and to subject the party who pursues it to imputations of insincerity, which, however, can reflect disgrace on those only by whom they are cast.

During these proceedings, a bill was introduced by Mr. Dundas, for improving the government of India. The suggested means of improvement was to strengthen the hands of the Governor General, who, by divisions in the council, had frequently found it difficult to carry his plans into effect. With this view it was proposed to vest in him the power of filling up the vacant seats in the council, by nominating the new members, to unite in his person the offices of Governor General and commander in chief of the forces; and to authorize him to decide on every measure, whether his council agreed with him or not. Thus the whole responsibility would be thrown on the Governor General. The bill was opposed by Mr. Burke, who reprobated the introduction

of an arbitrary government into our Indian possessions ; and denied that it would tend to produce energy, vigour, and dispatch ; its constant features being weakness, debility, and delay ; and, for the proof of this assertion, he appealed to every arbitrary government which ever existed. Unfortunately, however, it could be only necessary to look into the page of our own history to find the reverse of this proposition established beyond the possibility of doubt. For at the commencement of every war, in which this free country has been engaged with the arbitrary government of France, we have found, to our cost, that such were the superior energy, vigour, and dispatch, which marked the operations of the enemy, as generally to give her a decided advantage, until the necessary time had elapsed for bringing our resources into action. In defence of the bill it was urged, that the power now proposed to be vested in the Governor General, was already exercised by the council, and that the despotism of one was not more objectionable than that of two or more. The Governor, henceforth, would not be able to do more than he could have done with the concurrence of the council before ; and all the mischiefs and misfortunes which had for years occurred in India were asserted to have arisen entirely from the party-principles of the members of the different councils in existence there, and from the factious scenes which these councils had, almost uniformly, presented. The bill was supported by considerable majorities in both Houses, and passed into a law.

This was the last act of the session, which closed on the 11th of July with the usual speech from the throne.

CHAPTER VIII.

Reflections on the *natural enmity* subsisting between Great Britain and France—its supposed origin, and its consequences—Treaty of Commerce between the two countries—Communicated to Parliament in the King's Speech—Objected to by Mr. Fox—Mr. Fox's Antigallican principles commended as truly patriotic—He is answered by Mr. Pitt—Discussion of the Treaty—Its provisions explained, and its principles defended, by Mr. Pitt—Opposed by Mr. Fox, who combats the principles and opinions of Mr. Pitt, and justifies the Antigallican Spirit of our Ancestors—Treaty supported by Mr. Grenville—Approved by a great majority of the House—Renewed discussions on the same topic—Mr. Fox attacks the contracted notions of Mr. Wilberforce—Further debate—Mr. Grey's maiden Speech—Adopts the Antigallican principles of Mr. Fox, and reprobates any connection with France—Mr. Burke takes the same side of the question—The address, opposing the Treaty, carried—The measure discussed in the House of Lords—Opposed by the Bishop of Llandaff—Supported by the Marquis of Lansdowne—Approved by the House—Mr. Pitt opens his plan for simplifying the collection of the Revenue, by consolidating the duties of Custom and Excise—Traces the existing plan of Commercial Taxation to its origin, and exposes its defects—Inefficiency of the remedies hitherto devised—Three thousand resolutions necessary for carrying the new plan into effect—Panegyric on Mr. Pitt by Mr. Burke.

[1786.] The leisure afforded by the parliamentary recess was devoted by Mr. Pitt to the completion of a project which had long occupied his mind, and from the accomplishment of which he expected to derive the most important advantages to the country. In framing a commercial treaty with France, he had many difficulties to surmount, and many prejudices to subdue. The jarring interests of the two nations, in respect of numerous articles of commerce, and the jealousy which had, for ages, subsisted between them, presented obstacles sufficient to intimidate a mind less determined, and to baffle an understanding less acute and comprehensive, than his own. But Mr. Pitt was not to be deterred from the pursuit of any plan which offered essential benefits, by any difficulties which human perseverance could remove. It had long, indeed, been considered, that the *natural enmity* which subsisted between the two countries precluded the possibility of forming any treaty which could be productive of mutual benefits, and which could afford the smallest prospect of permanence, or even du-

rability, in its operation. What that *natural enmity* was, few persons had taken the trouble to inquire, much less to define. The expression, however, had nothing so ridiculous nor so revolting in it as, at first sight, it might appear, to a philosophic mind, to have. It was an enmity, of the existence of which no one could possibly doubt, because the evidences of it were so public, and so multiplied, as to satisfy incredulity itself. It had, probably, the epithet, *natural*, affixed to it, from the circumstance of its origin, in the relative situations in which the hand of nature had placed the two countries. They both had a considerable extent of coast, (each coast opposite to the other) which rendered them great maritime and commercial powers; made them both anxious to acquire extensive colonial possessions, and foreign trade, and, consequently, solicitous to establish a naval superiority over the rest of the world. Hence, their interests, their pursuits, and their efforts, were similar, or, at least, had a tendency to the attainment of the same objects. But there was, at the same time, this essential difference between them. France had the means of subsistence, of independence, and even of greatness, within herself; and, though so situated by nature as to render the acquisition of maritime power, and of a great foreign trade, both easy and desirable, they were not at all necessary for her existence or support; whereas they were essential, not only to the prosperity of Great Britain, but to her political greatness, and even to her independence. What had been the effects of this enmity upon the governments of the two countries, it would be foreign from our purpose here to inquire; that it had been productive of wars which, without it, might, and probably would, have been avoided, is a truth, unfortunately, too well established by history to admit of a doubt; but that it had been attended with any other bad consequences, to either nation, or that it was good policy to endeavour to destroy it, is a point which allows of much diversity of opinion, and is not so easily to be decided. Indeed, the progressive prosperity of both countries, while it existed in full force, affords strong grounds for the belief, that its effects were rather advantageous than pernicious; nor would it be a difficult task to trace its beneficial operation to its source. It was not, however, by any means, a necessary consequence of its existence, that the two kingdoms should re-

main, for ever, estranged from each other, as to all political or commercial intercourse ; or that it was impracticable to frame a treaty of commerce which would be productive of mutual advantage.

Such a treaty Mr. Pitt had resolved to accomplish, and had, accordingly, consulted every document, and every person, from which, and from whom, he could derive any information or knowledge respecting the important subject of his investigation. When he had sufficiently possessed himself of facts, and arranged his materials, in which he was materially assisted by Lord Hawkesbury, (now Earl of Liverpool) and by Mr. Eden, now Lord Auckland) he sent the latter to Paris, who concluded a treaty of navigation and commerce with the French minister, at Versailles, on the 29th of September.

[1787.] This treaty was communicated to the two Houses of Parliament, in the King's Speech, at the opening of the Session, on the 23rd of January following. His Majesty, having ordered a copy of it to be laid before them, recommended them to take the earliest opportunity for adopting the necessary measures for carrying it into effect, and trusted that they would find the provisions which it contained, to be calculated for the encouragement of industry, and for the extension of lawful commerce of both countries ; and to be likely to give additional permanency to the blessings of peace, by promoting a beneficial intercourse between their respective inhabitants. It was not to be expected that a subject, at once so novel in itself, so important in its consequences, and on which such different opinions were known to prevail, would be suffered to pass *sub silentio*, even on the mere mention of it to the House, and before a day should be set apart for its full and deliberate investigation and discussion. Mr. Fox, who, from his first entrance into public life to this period, had allowed no opportunity to escape for expressing his apprehensions of the ambition, and his jealousy of the power, of France, and for promulgating principles and sentiments the most decidedly *Antigallican*, now availed himself of the allusion to the treaty in the proposed address to deliver his opinions on the subject. He alluded to the incontrovertible positions which had been strenuously contended for ; that peace was preferable

to war, and commerce to conquest; and that mutual jealousies were productive of frequent mischiefs; but he denied their applicability to existing circumstances. They were principles, he said, by which the policy of the British government had been wisely and uniformly guided for the last century; but it remained to be shewn, how far they would justify any innovation in our established system, should the treaty, which was soon to come under discussion, in fact, contain any such innovation. All the wars of Great Britain had been wars of necessity, and that jealousy of the power of France, which we were now called upon to lay aside, had been founded on the fullest experience of her ambitious designs. Where, then, was the necessity of inculcating forbearance upon those who had never acted wantonly; or where was the prudence of arguing against a jealousy, to which we were indebted for the very security which we enjoyed?

While Mr. Fox deprecated all vulgar prejudices, as rules of conduct, he declared his opinion, that the external circumstances of the two nations rendered a rivalry, and, in some degree, an enmity between them inevitable; and that it was impossible to prevent them by any measure which human speculation could devise;—nay, he would not hesitate to pronounce, that, were such an event possible, it was not to be wished for by any lover of this country. He observed, that the treaty must be either of a commercial or a political nature; if, as he wished, it were purely commercial, its framers would have to shew, that it would open to the country new and more beneficial channels of trade, than those through which she had hitherto derived her commercial prosperity and wealth; but if it were a political measure, and was intended to produce some more close and intimate connection with France, such as should render it more difficult, in future, for the two countries to go to war, than it had hitherto been, the ministers would then have to shew strong and satisfactory reasons for having pursued and concluded a measure so new in the history of these kingdoms, and of such infinite magnitude and importance.

He ventured, however, to prophesy, that such an attempt, admitting it to be safe and prudent, would prove vain and abortive. He

entered upon a general view of the political conduct of France towards the different powers of Europe, and, most justly, concluded, that volatile as the French were as a people, the French cabinet had, for centuries, been more steady and uniform in its policy than any other. To raise that monarchy to unlimited power had been its unvarying aim ; and he defied any man to point out a single instance in which the court of Versailles had suffered any opportunity to pass by, which had the smallest tendency to promote its favourite object. He asked what ground there was for supposing that France had now changed her purpose, and adopted a different system of policy, and a different line of conduct ? Her power was then greater than it had been in the reign of Louis XIV. ; and could any statesman be dupe enough to believe, that moderation, at a moment when it seemed least necessary, was the real and true motive which had induced France to accede to a treaty which held forth the specious appearance of rendering all future hostilities between her and Great Britain almost impossible. But, perhaps, his Majesty's ministers would furnish the House with some explicit and positive proofs of this great change in the politics of France, and of the sincerity of her friendly disposition towards us. They might as yet, he observed, be said to be in the honey-moon of their new connection ; and he asked whether, during that fond period, they felt the influence of France greatly operating in their favour with the various powers with whom they were then negotiating alliances ? The very reverse was well known to be the fact.

Mr. Fox adverted to the attention which France had recently paid to the increase of her navy, as a fresh proof of her hostile disposition to this country, and of her preparing for some favourable opportunity of indulging her inveterate animosity against her ancient enemies. And he expressed his belief, that there were men in the country (though he fully acquitted Mr. Pitt of any such charge), so lost to the memory of its former greatness, so sunk in their own base despondency, as to think it right for us, diminished as our splendor was, to seize the earliest opportunity of making terms with our rising neighbour, of forming an intimate connection with her, and, by that means, artfully securing her favour and protection.

These *truly British sentiments* did honour to Mr. Fox, and the hints which he threw out in the course of his speech were such as merited the most serious attention of those who were entrusted with the government of the country. He was censured by Mr. Pitt, with more asperity than the occasion called for; or the principles which he had advanced seemed to justify. Mr. Pitt combated these principles on the ground that they went to prove the necessity and the policy of a constant animosity against France, and militated, in the most direct manner, against both humanity and common sense. He asked whether Mr. Fox meant to recommend to this country such a species of political jealousy as should be either mad or blind; such a species as should induce her either madly to throw away that which was to make us happy, or blindly to grasp at that which must end in her ruin? Was the necessity of perpetual animosity with France so evident and so pressing, that for it we were to sacrifice every commercial advantage which might be expected to result from a friendly intercourse with that country; or was a pacific connection between the two kingdoms so highly offensive, that even an extension of commerce could not palliate it? For his part, he disclaimed the opinion, that the relative situation of Great Britain and France was such, as precluded the possibility of an amicable intercourse; and he was sure, if such intercourse were not impracticable, the treaty then depending was the most likely of any measure to effect it. Such a treaty would make it the interest of each nation to cherish and preserve the connection between them, and would so essentially implicate and unite the views and convenience of a large part of each kingdom, as to ensure, as much as possible, the permanence of the system about to be established.

How soon such an event, as the overthrow of this project, by the restless ambition of France, as Mr. Fox had triumphantly predicted, might occur, he could not possibly foresee; but if war was the greatest of evils, and commerce the greatest blessing which a country could enjoy, it became the duty of those to whom public affairs were entrusted, to endeavour, as much as possible, to render the one permanent, and to remove the prospect and danger of the other. This he represented to be the object of the treaty in question. For the great

advantages likely to accrue from it would not only strongly operate upon every succeeding administration in both countries, so as to induce them to avoid a war as long as it could be avoided with honour and prudence, but would also strengthen the resources towards carrying on a war, whenever it should become indispensably necessary to engage in one. This was, he said, the true method of making peace a blessing, and that, while it was the parent of immediate wealth and happiness, it should also be the source of future strength and security. The quarrels between France and Britain had too long continued to harass not only those two great and respectable nations themselves, but had frequently embroiled the peace of Europe; nay, had disturbed the tranquillity of the most remote parts of the world. They had, by their past conduct, acted as if they were intended by nature for the destruction of each other; but he hoped the time was now come, when they should justify the order of the universe, and shew, that they were better calculated for the more amicable purposes of friendly intercourse and benevolence.

Mr. Pitt then noticed Mr. Fox's distinction between *commercial* and *political* treaties, and confessed his own inability to conceive a commercial intercourse between two nations, that must not necessarily have a powerful effect on their political conduct towards each other. And he concluded, by answering some objections which Mr. Fox had started to the treaty on the ground of its interference with existing treaties between this country and Portugal, in the article of wine, which treaties, he said, would not be affected by it.

Of the preliminary debates, it may be observed that Mr. Fox was right in his general principles; and Mr. Pitt, in the particular application of his own doctrines to the immediate subject of discussion. The former had evidently founded his opinions on his experience of what the disposition of the two countries actually was and ever had been; while Mr. Pitt's notions were rather formed from his own wishes, and from his own conviction of what it ought to be. The principles of the former were such as ought never to be lost sight of by a British Minister, never, for a moment, to be absent from his mind, when employed

in negotiating any treaty with France : and the doctrines of the latter were indisputably good in theory, while the *experimental policy* which they naturally engendered was such as a great and generous nation ought so far to reduce to practice as to give it a fair trial, without, however, the smallest sacrifice of the wise principles of our ancestors, or the least departure from that jealous caution which their wisdom taught them to observe. It may be supposed, that Mr. Pitt's hopes of producing, by this treaty, that amicable intercourse, and that benevolent disposition, on which he dwelt so much, and which he prized so highly, could not be very sanguine ; and, indeed, the good Abbé de St. Pierre's project for a perpetual peace was scarcely less chimerical.—Still this consideration, purely political, could not affect the commercial advantages of the treaty.

On the 5th of February it was proposed to fix the Monday following for taking the treaty into full consideration. The proposition, however, gave rise to a long, and rather warm debate ; the Opposition contending that the time was too short for the House and for the country to form their opinions of a measure which went to repeal the established laws, and to reverse the most approved maxims of our ancestors ; to break the bonds of our old alliances, and to connect us with those whom we had long regarded as our rivals and our foes. On the other hand it was maintained, that the time was amply sufficient, as the whole business had been four months before the public, and as the importance of the measure would certainly ensure a full attendance, without the necessity of a call, which had been strongly insisted on by the opposite party. Considerable asperity of language passed between Mr. Pitt and Mr. Burke on this occasion ; but the House supporting the Minister, Monday, the twelfth of February, was fixed upon for the grand debate.

As soon as the House was opened on that day a petition was presented from certain manufacturers, requesting that the House would come to no final decision on the treaty until *they* should have had leisure to *understand it*.—It met, of course, with the fate which a petition, so framed, deserved ; and the House proceeded to the discussion. On

this occasion Mr. Pitt, in a speech of three hours, took a full view of the treaty with France ; its nature, contents, and probable consequences. He observed, that the resolutions which he had to propose to the committee, in that stage of the business were, first, that the committee should agree, that all articles not enumerated and specified in the tariff, should be importable into this country, on terms as favourable as those of the most countenanced nation, excepting always the power of preferring Portugal, under the provisions of the Methuen treaty : second, that if any future treaty should be made with any other foreign power, in any articles either mentioned or not mentioned in the present treaty, France shall be put on the same, or as favourable, terms as that power ; and, third, that all the articles enumerated and specified in the tariff, shall be admitted into this country on the duties, and with the stipulations, stated in the sixth article of the treaty.* He thus confined himself to the *commercial* part of the treaty, nor was even all which belonged to that part, comprehended in the scope of these resolutions. He called upon the committee to consider the relative state of the two kingdoms. It was a fact, generally admitted, that France had the advantage in the gift of soil and climate, and in the amount of her natural produce ; while England was as confessedly superior in her manufactures and artificial productions.

He admitted, then, that in respect of national produce, France had greatly the advantage in this treaty. Her wines, her brandies, her oils, and her vinegars, particularly the first two, were articles of such importance as greatly and completely to destroy all idea of reciprocity as to the productions of the soil, we having nothing to put in competition with them, except, perhaps, our beer ; which ought not to be taken into the account, because beer is a beverage of which a very small portion indeed would be consumed in France. But, on the other hand, Britain possessed some manufactures exclusively her own, and in others had such a decided advantage as to set competition at defiance. Such was the relative situation, and such the precise ground

* For the treaty itself, see Appendix B.

on which it was conceived, that a valuable correspondence and connection between the two countries might be established. Having each its own and distinct staple; having each that which the other wanted; and not clashing in the great and leading lines of their respective riches, they might, like two great traders in different branches, enter into a traffic, which would prove mutually beneficial to them. Granting, that a large quantity of the natural produce of France would be brought into this country, we should certainly send, on our part, more cottons by the direct course which would now be opened to us, than by the circuitous course by which they had hitherto been sent; and more woollens than when they were restricted in their importation to particular ports, and burthened with heavy duties. More of our earthenware, and of other articles which, under every disadvantage, forced their way, from their intrinsic superiority, regularly into France, would now be exported thither in greater abundance. And the aggregate of our manufactures would be greatly and eminently benefited in going to this market, loaded only with duties of from twelve to ten, and in one instance of only five, per cent.

As a proof that the advantages in this respect were sensibly felt by the manufacturing interests, Mr. Pitt instanced the absence of all petitions on the subject.—The fact was evident; a market of so many millions of people—a market so near and so prompt—a market of expeditious and certain return, of necessary and extensive consumption; this, added to the manufactures and commerce of Britain, was an object which we ought to look up to with eager and satisfied ambition. To attain such an object, we certainly ought not to scruple to give liberal conditions; we ought not to hesitate because that which would be so highly advantageous to us, must also be beneficial to our rivals. It was a great boon procured on easy terms, and as such, we ought to consider it. It was not merely a consolatory, but an exhilarating, speculation to the mind of an Englishman, that after the empire had been engaged in a competition the most arduous, and most imminent of any which had ever threatened a nation—after struggling for its existence, still it maintained its rank and efficacy so firmly, that France, finding it could not shake her, now opened its arms, and offered

a beneficial connection with her on easy, liberal, and advantageous terms.

We had agreed, by this treaty, to take from France, on small duties, the luxuries of her soil, which, however, our own refinements had converted into necessaries. The wines of France, clogged as they now were with heavy duties, already found their way to our tables; it could, then, be no injury to admit them on easier terms, nor would their admission supplant the wines of Portugal, or those of Spain, but would only supplant an useless and pernicious manufacture in this country. The next article was brandy, which was already smuggled into the kingdom in such quantities as to render the reduction of duty an eligible measure of finance. The other objects, both of natural produce, and of manufacture, Mr. Pitt enumerated, and contended, that the introduction of them into this country, on the terms specified in the treaty, could be productive of no injury, while it would prove a certain source of wealth.

It had been contended, that no beneficial treaty could be formed between Great Britain and France, because no such treaty had ever been formed; and because, on the contrary, commercial intercourses with her had always been injurious to England. But Mr. Pitt maintained that this reasoning, well as it sounded, was completely fallacious; for, in the first place, we had not, during a very long series of years, had any commercial connection with France, and could not, therefore, form a rational estimate of its merits; and, secondly, though it might be true, that a commercial intercourse, founded on the treaty of Utrecht, would have been injurious, it did not follow that this would be the case at present; because, at that time, the manufactures, in which we now excelled, were scarcely in existence, and were on the side of France instead of being against her. The tariff did not then, as now, comprehend all the articles in which we comparatively excelled; but, in addition to her produce, which at all periods must be the same, France had the balance of manufactures also in her favour. At that period, too, the prejudices of our manufacturers against France were at their height, and corresponded with the party-

violence of the day in the reprobation of the measure ; but so far was the Parliament from entertaining the idea, that any treaty which could be made with France must be detrimental to us, that they presented an address to the Queen, praying her to renew the commercial negotiations with the Court of France. France had been more jealous of us, than we had been of her.—Prohibitions began, on her part, and we only retaliated in our own defence: he then again adverted to the advantages which the revenue would derive from the treaty ; for though a considerable reduction of duty would take place in the articles of wines and brandy, still the check that would be given to smuggling, and the consequent increase of the quantity legally imported, would make the receipts much greater than they had ever been.

Mr. Pitt having gone over this ground, stated the simple question, for the consideration of the committee, to be—whether, if the situation of the two countries was changed in its relative aspect—if it was true, that, at the treaty of Utrecht, we had but little to send to France, and that now we had much to send her—that our manufactures were so confessedly superior as to dread no competition, and as greatly to counterbalance the natural produce of France,—we ought not to enter into the treaty,—or, whether there was some preposterous and inscrutable, as well as fixed and eternal, something between the two countries, which must prevent them from ever forming any connection, or cherishing any species of amity? Having decided this point, they were next to consider how far this treaty would affect their commercial treaties with other powers. And he clearly proved, that it would not affect them in the smallest degree, since a right was expressly reserved of securing to Portugal, should the British legislature think fit, all the advantages of the treaty of Methuen.

After summing up his argument on the commercial part of the question, he proceeded to examine the treaty in its political aspect, and he began this examination with an analysis of a report which had been made to the general chamber of manufacturers. These manufacturers had asked, “ what laws must be repealed to make room for the French

treaty?" They needed not to suspend their opinions of the treaty simply on this ground; they might have left the task of discovering these laws to Parliament, unless they meant to take from Parliament the trouble of legislation. The enumeration which they had made was singular. They had found out that the aliens' duty must be repealed. In confirmation of this assertion, they had thought proper to observe, that, besides the laws restraining exportation, there were many others which, in favour of our own manufactures, prohibited the importation of foreign goods, as the 4th of Edward 4th, chap. 1, by which no cloths wrought beyond sea could be brought into England, and set to sale. That the 3d of Edward 4th, chap. 1, 3d and 4th; the 1st of Richard 3d, chap. 12: The 7th Elizabeth, chap. 7: The 13th and 14th Charles 2d, chap. 13; contain a variety of prohibitions to import a great number of articles in the woollen, iron, copper, and glass manufactures, every one of which laws must necessarily be repealed: and that it had also been proved by a law, 1st of Richard 3d, chap. 9, and 32d of Henry 8th, chap. 15, "That no alien shall sell by *retail*, nor take any lease of a house or shop to trade in." And they added, that it might be proper to remark, that any relaxation of the laws to prevent the clandestine landing of goods would have a worse effect upon our manufacturers, than even a direct importation upon certain duties; and that, by the free approach allowed to French vessels upon the coast, and the time allowed by the treaty to make entries, and to correct them when made, an alteration of the custom-house laws (made as well for the protection of fair trade, as for the collection of the revenue) must take place, from which they apprehended great mischiefs would ensue.

Mr. Pitt here observed, that he believed a well-founded opinion prevailed at the bar, that the statutes of Richard 3d, and Henry 8, imposing that odious duty, were, in fact, no longer in existence. The petitioners talked of a vast number of articles which would be clandestinely imported and exported; of the encouragement to smuggling by the re-approach to our shores; although that re-approach was pointedly confined to ships driven by stress of weather; and the danger of alteration of entries—and that, by taking off the old prohibitions,

their wool, their fullers' earth, nay their tools, their utensils, and their secrets, would be transmitted to their rivals. He professed he could not conjecture in what part of the treaty this committee of manufacturers had discovered these dangers. He conceived that they were empowered to preserve all the prohibitions which they might think it wise to continue. He knew not of any possibility of sending the wool, the fullers' earth, or the tools of the manufacturers, out of the kingdom. He thus went through the whole report of the committee, commenting upon every passage, and shewing the fallacy and absurdity of the whole. That a set of manufacturers should neglect to consider the application of the treaty to themselves, while they wandered into the paths of legislation and government, did not look like that apprehension for their real interests, which their terrors betrayed at the time of the Irish propositions. They, indeed, expressed their fears, that the tools and manufactures of the country might be exported to France, but, on that subject, they might be perfectly at their ease, for there was not a word in the treaty to favour such a construction.

Adverting to the political effects of the treaty, Mr. Pitt contended against, what he called the *too-frequently advanced* doctrine, that France was, and must be, the unalterable enemy of Great Britain. His mind revolted from this position as monstrous and impossible. To suppose that any nation could be unalterably the enemy of another was weak and childish. Such a supposition had its foundation neither in the experience of nations, nor in the history of man. It was a libel on the constitution of political societies, and assumed the existence of a diabolical malice in the original frame of man. But these absurd tenets were adopted and propagated; nay, the absurdity was carried still further; it was said, that, by this treaty, the British nation was about, blindly, to throw itself into the arms of this constant and implacable foe. Men reasoned as if this treaty was not only to extinguish all jealousy in our bosoms, but also completely to annihilate our means of defence; as if, by the treaty, we gave up so much of our army, so much of our marine, as if our commerce were to be abridged, our navigation lessened, our colonies to be cut off, or to be rendered defence-

less, and as if all the functions of the state were to be palsied. What ground, he asked, was there for this train of reasoning? Did the treaty suppose, that the interval of peace between the two countries would be so employed by us, as to disable us from meeting France in the moment of war with our accustomed strength? Did it not much rather, by opening new sources of wealth, speak this forcible language—that the interval of peace, as it would enrich the nation, would also prove the means of enabling her to combat her enemy with more effect when the day of hostility should come? He maintained, that it did more than this; that by promoting habits of friendly intercourse, and of mutual benefit, while it invigorated the resources of Britain, it made it less likely that it should have occasion to call forth these resources. It certainly had, at least, the happy tendency to make the two nations enter into more intimate communion with each other, to enter into the same views even of taste and manners; and while they were mutually benefited by the connection, and endeared to each other by the result of common benefits, it afforded a better chance for the preservation of harmony between them, while, so far from weakening, it strengthened, the sinews of war.

If such a consequence were to be produced by the treaty as a similarity of taste and of manners, that consideration alone would have been sufficient to justify the opposition to it; for, from the known nationality and vanity of the French, it could not, for a moment, be supposed, that they would adopt the taste and manners of the English; the similarity, therefore, could only be produced by the adoption of French taste, and of French manners, by the British nation. This result, which must have eradicated from the minds of our countrymen, all those principles, and all those feelings, to which we had been principally indebted for our national greatness, and for the ability, so recently displayed, of opposing with vigour and success, the most formidable combination that had ever been entered into for achieving the ruin of an independent state, must have been strongly deprecated by every man who valued the character and consequence of his country. The preservation of harmony would have been most dearly purchased at such a rate.

Mr. Pitt proceeded to observe, that our state of preparation for war by no means depended on the treaty, but on the vigilance and ability of the administration for the time being. He had heard, he said, of the invariable character of the French nation, and of the French cabinet; of her restless ambition, and of her incessant enmity and machinations against this country; and he adverted to the particular instance of her interference in our late disputes, and of the result of her attack at that time. That France had, at that period of our distress, interfered to crush us, was a truth over which he did not desire to throw even the slightest veil.

Having premised, that the provisions of the treaty would neither delude us into security, nor accomplish our reduction; that, on the contrary, it would strengthen our hands, and, whilst it did not diminish our means, would throw the prospect and the necessity of war at a very great distance; he added, that friendly assurances were not always to be relied on; but, although he thought France the aggressor in most of our former wars, yet, her assurances and frankness, during the present negotiation, were such as, in his opinion, might command our confidence. What might be the projects which wild ambition might one day dictate, was beyond his penetration; but, at present, the court of France was governed by maxims too prudent, and too politic, to sacrifice its own safety and happiness to the ministerial aims of impracticable conquest. Oppressed, as this nation had been, during the late war, by the most formidable combination for its destruction, yet had France very little to boast at the end of the contest, which should induce her again to enter deliberately into hostilities against this country. In spite of our misfortunes, our resistance must be admired, and, in our defeats, we had given proofs of our greatness, and of our almost inexhaustible resources, which, perhaps, success would never shew us.—

*Duris ut illex tonsa bipennibus,
Nigræ feraci frondis in Algido;
Per damna, per cædes, ab ipso
Ducit opes animumque ferro.*

Indeed, while he recollected the whole of that dreadful controversy, he could deduce from it arguments to reconcile the present conduct of France with more equitable and more candid principles of policy, than many persons seemed willing to attribute to our rival. When France perceived that, in that awful contest, when, with the enormous combination of power against us, it might be truly said, that we were struggling for our existence, we not only saved our honour, but manifested the solid, and, he might almost be tempted to say, the inexhaustible, resources of the land; reflecting that, though she had accomplished her object in the dismemberment of our empire, she had lost greatly more than she had gained, in the expense which she had incurred, and in the extreme embarrassment which had resulted from it; and reflected also, that such a combination of hostile power against us, without a single friend in Europe on our side, can never be imagined again to exist;—may I not, said Mr. Pitt, be led to cherish the idea that, seeing the durable and steady character of our strength, and the inefficacy of hostility, as well as the ruin which it produces, France will eagerly wish to try the benefits of an amicable connection with us?

He ridiculed the idea of refusing to receive the advantages which the treaty would secure to us, because France would derive correspondent advantages from it; and he endeavoured thus to demonstrate the superiority which, in point of advantage, would remain with us. She procured, for her produce, a market of eight millions of people; we obtained, for ours, a market of twenty-four millions.* France gained this market for her produce, which employed in preparation, but few hands, gave little encouragement to her navigation, and yielded little profit to the state. We gained this market for our manufactures, which employed many hundreds of thousands, and which, in collecting the materials from every corner of the world, advanced our maritime strength, and, in all its combinations, and in every article and stage of its progress, contributed largely to the state. France could

* This must not be received as an accurate estimate of the population of France, in 1787. It was probably taken from Mr. Necker's statement, which was greatly exaggerated. I have seen a very detailed account of the population of France, at a subsequent period, when it did not amount to twenty-two millions.

not add £100,000 to her revenue by the treaty ; but England must necessarily gain a million. This could easily be demonstrated. The high price of labour in England arose chiefly from the excise, and three-fifths of the price of labour were said to come into the exchequer. The produce of France, on the contrary, was low in the staple, and less productive to the state in the process. Even the reduced duties, as settled by the treaty, were so proportionably high, that France could not send to us brandy to the amount of half a million, but we must gain cent. per cent. by the importation of it. In this view, then, though France might gain, we must be, comparatively, so much more benefited, that we ought not to grudge her the advantages, much less ought we to fear that they would be injurious to us in the event of a future contest. It was in the nature and essence of an agreement between a manufacturing country and a country blest with peculiar productions, that the advantage must terminate in favour of the former ; but it was peculiarly calculated for reciprocal convenience and mutual benefit. Thus France was, by the peculiar dispensation of Providence, gifted, perhaps, more than any other country upon earth, with what made life desirable, in point of soil, climate, and natural productions. It had the most fertile vineyards, and the richest harvests ; the greatest luxuries of man were produced in it with little cost, and with moderate labour. Britain was not thus blest by nature ; but, on the contrary, it possessed, through the happy freedom of its constitution, and the equal security of its laws, an energy in its enterprise, and a stability in its exertions, which had gradually raised it to a state of commercial grandeur ; and, not being so bountifully gifted by Heaven, it had recourse to labour and art, by which it had acquired the ability of supplying its neighbour with all the necessary embellishments of life, in exchange for her natural luxuries. Thus a friendly connection seemed naturally to result from their relative situation, instead of that unalterable enmity, which was falsely said to be their true political feeling towards each other.

Mr. Pitt concluded with a brief summary of the negative merits of the treaty. With respect to political relation, if it afforded no benefits, it could produce no disadvantages. It quieted no well-founded

jealousy; it slackened no necessary exertion; it retarded no provident supply; but simply tended, while it increased our ability for war, to postpone the period of its approach. He then moved his preliminary resolution: "That in case either of the two high contracting parties shall think proper to establish prohibitions, or to augment the import duties upon any goods or merchandize of the growth or manufacture of the other, which are not specified in the tariff, such prohibitions, or augmentations, shall be general, and shall comprehend the like goods and merchandizes of the other most favoured European nations, as well as those of either state: and, in case either of the two contracting parties shall revoke the prohibitions, or diminish the duties, in favour of any other European nation, upon any goods or merchandize of its growth or manufacture, whether on importation or exportation, such revocations, or diminutions, shall be extended to the subjects of the other party, on condition that the latter shall grant to the subjects of the former, the importation and exportation of the like goods and merchandizes under the same duties; the cases reserved in the seventh article of the present treaty always excepted. That all articles of manufacture and commerce, not enumerated in the tariff, be admitted from France, on paying the same duties as the same articles pay on importation from the most favoured nations."

Mr. Pitt was answered by Mr. Fox, in a speech of equal length, and in a strain of equal animation. He contended, that Mr. Pitt had reasoned on principles too narrow and contracted for the magnitude and importance of the subject; and he combated the conclusions deduced from these principles, in favour of the treaty, considered in a political, commercial, and financial point of view, as fallacious and unfounded. On the policy of the measure, he repeated his former arguments, and pressed them with additional force; maintaining, that the only situation in which Great Britain could stand in the general system of Europe, with honour, dignity, or safety, was as a counterpoise to the power of France; that this had been our invariable policy in all the most flourishing periods of our history, if that of Queen Elizabeth be excepted, when the Spanish empire held the same relative place which France has since holden; and that of the Protector, Crom-

well, whose conduct was evidently directed by a regard to the security of his personal power.

It was this circumstance of our policy, Mr. Fox observed, operating upon the restless ambition of France, not any inward antipathy of mind, not the memory of Cressy and of Azincour, which made the two nations natural enemies. That France considered us at her hostile point of view, and as the only obstacle to her ambitious designs, was evident from her unceasing endeavours to diminish our power. To prove that this object was still the first in her contemplation, and the nearest her heart, we had but to recollect her conduct towards us in the American war; and to prove that no assurances of friendship were to be trusted, when that object was in view, we had only to read the correspondence between the French ministers and Lord Stormont, during the first years of that contest. And when it was further considered who the monarch was that then sat upon the throne of France, a monarch of the most mild and benevolent character, and celebrated for his love of justice,* and that the minister who directed his councils was far advanced in the last stage of life, of a feeble and timid disposition, and, therefore, unlikely to be led away by any new and visionary projects of ambition, not a doubt could be left in any one's mind, but that the French nation was actuated by a regular, fixed, and systematic enmity to this country.

But, it had been said, that convinced, at length, by dear-bought experience, that the British empire was impregnable, and that, notwithstanding the threatening contests in which we had been engaged, we still firmly maintained our rank, she had opened

* Louis the XVI. was adverse to the American war, but his voice was overruled by the majority of the council. It was a war on the part of France, which did not square with that monarch's correct notion of political and moral justice; but the cabinet was induced to undertake it, partly by the instigations of the merchants, who hoped to build their own prosperity on the ruins of the British trade, and partly by that "regular, fixed, and systematic enmity to this country," which Mr. Fox so truly described as appertaining to the national character; an enmity which never has been, and which, in all human probability, never will be, subdued.

her arms to us, adopted other sentiments, and courted a connection with us upon liberal and mutually advantageous terms. That she had changed her policy, Mr. Fox admitted was probable; but what proof had we that she had changed her sentiments? Was it not more reasonable to suppose, that her end was the same, though her projected means of attaining it were different? that, instead of force, which she found would not avail, she intended to employ stratagem to put us off our guard, to lull us into security, to divert us from the cultivation of other alliances, to lessen the dependence of foreign states upon us, to turn all our views to commercial profits, to entangle our capital in that country,* and to make it the private interest of individuals in this rather to acquiesce in any future project of ambition, which she might entertain, than come to an open rupture with her. These, he was convinced, were the designs of France, in seeking to establish a commercial intercourse with us.

Mr. Fox urged many other arguments, of a similar nature and tendency; and, having taken a brief view of the effects of the treaty, on our commercial and financial interests, concluded by moving, "that the chairman leave the chair, report progress, and ask leave to sit again."—He was followed, in the same line of reasoning, by Mr. Francis, who expressed his dread of the consequences of an intimate political connection with France, upon the character of the British nation. The first step towards enslaving a free people, he said, was to

* Experience unfortunately, confirms but too strongly the danger arising from the *entanglement* of British capital in foreign countries. Whenever the British merchants engage in an extensive commerce with the traders of any nation which is deficient in capital, the long and large credit which they must necessarily give, renders them more interested in the political movements of such nation than is consistent with their duty to their own. The consequence of such conduct has been repeatedly manifested, in the various disputes which have, from time to time, arisen between Great Britain and the United States of America. Opulent individuals, who have had very large capitals, embarked in the American trade, and of course very large sums due from the American traders, have been known to interfere, at such periods, from motives of private interest, and to press the ministers to the adoption of measures inconsistent with public honour, and hostile to the public welfare, while the Americans, fully aware of the efficacy of such motives, by the influence which they have on their own conduct, have held out threats of liquidating, by a resolution of congress, all the debts due to British subjects.

endeavour to corrupt them; and he was convinced that a more free intercourse with France would produce that effect. He reminded Mr. Pitt of the opposite opinions of the late Lord Chatham, and lamented that the pomp of modern eloquence should be employed to derogate from the merits of his administration. The polemical laurels of the father, must yield, he observed, to the pacific myrtles which shadowed the forehead of the son. The first and most prominent feature in the political character of Lord Chatham was *Antigallican*. His glory was founded on the resistance which he made to the united power of the House of Bourbon. The present minister had taken the opposite road to fame; and France, the object of every hostile principle in the policy of Lord Chatham, was the *gens amicissima* of his son. The objections to the treaty were principally answered by Mr. Grenville, and Mr. Fox's amendment was finally rejected by two hundred and forty-eight votes against one hundred and eighteen.

The discussions were renewed, on subsequent days, when different resolutions for giving effect to the treaty were moved, and carried, by considerable majorities. On all these occasions, the whig party, of which Mr. Fox might now be considered as the head, were uniform in the support of Antigallican principles, and in asserting the dignity and honour of their country.—Mr. Wilberforce having ridiculed the idea that it was any consolation to a poor cottager, groaning under a load of taxes, and sitting, with scarcely a snuff of candle to light him, to hear that he was a balancer of the power of Europe, and a protector of its liberties, Mr. Fox rose, with some warmth, to condemn such low and desponding arguments. He wished to know if that was the language meant to be maintained; he wished some persons in authority would stand up and say so, because he could then meet it fairly. He asked if Mr. Pitt would declare, that we were no longer in a situation, to hold the balance of power in Europe, and to be looked up to as the protector of its liberties? He should be glad to come at that point. As to the assertion that a poor cottager was not to be talked to in such a strain, he must maintain that he was, and, notwithstanding the pressure of taxes, under which the lower order of people in this country laboured, yet it was a comfort to him to hear, that she was the

balancer of power, and the protector of the liberties of Europe. This it was which enabled him to bear his poverty with cheerfulness, and to feel the satisfaction, amidst all his distress, of reflecting on the thought of his being one of the subjects of a free country, whose characteristic it was to balance the power of Europe.

The last debate took place on the 21st of February, when an address was moved "to thank his Majesty for the solicitude he had been graciously pleased to evince, in forming a treaty of commerce between Great Britain and France; assuring him, that the House conceived, that the most happy effects would result from it to his faithful subjects, and that they would take every necessary step to render the negotiation effectual." Mr. Grey, who had been recently returned for Northumberland, delivered his maiden speech in opposition to this address; he took up the same line of argument with Mr. Fox, and asserted the same Antigallican principles. He commended the jealous policy of our ancestors, in respect of France; and asked upon what grounds it was presumed that she had at once totally abandoned all her ancient political principles, and had no longer any object in view inimical to our interests? He expressed his belief that France was labouring to detach us from all other alliances, and to render us as much politically insulated, as we were insulated in our local situation.—And he regarded, with suspicion, every offer of service from France; exclaiming—

—timeo Danaos et dona ferentes.

-an ulla putetis

Dona carere dolis Danaûm ?-

Mr. Burke, on this occasion, took a most masterly and luminous view of the relative situation and circumstances of the two countries; from which he inferred, that much would be risked by the treaty, and that little would be gained by it. The policy of France, in augmenting her naval and commercial resources, he described as evidently hostile to Great Britain, and he deprecated the eagerness with which we appeared anxious to run into her embraces. After a long discussion, the address was carried by a majority of seventy-six.

In the Lords, the measure was again discussed with a degree of seriousness, and a depth of investigation, well suited to the importance of the subject. It was strongly opposed by Dr. Watson, the Bishop of Llandaff, whose remarks displayed a degree of commercial knowledge, which but few divines are known to possess, and still fewer, it is supposed, are ambitious to acquire.—He contended, 1st, that to abandon a commercial system, by which we had risen to our present height, in the scale of nations, was a measure, abstractedly considered, dangerous and impolitic; and not to be justified except by some urgent necessities of the state; which necessities did not, at present, exist. 2d. That to adopt a commercial system, which our ancestors, from long experience, had deprecated as detrimental to the kingdom, was an unwise measure, and not to be justified, except by a change in the relative situations of Great Britain and France; the certainty of which change having taken place had not been proved, or rendered highly probable.

In order to support these propositions, the Bishop entered into a long and minute detail of our commercial intercourse with foreign nations, whence he drew the conclusion, that there was a clear yearly balance, in our favour, of at least four millions. The channels, whence this balance had been derived, he represented as having experienced a temporary obstruction from those casualties, which are incidental to all human affairs; but he maintained that it would be much wiser to open and to enlarge them, since their advantages were known and certain, than to venture into new channels, the rocks and shoals, and whirlpools of which were yet unexplored; the dangers of which no mortal eye could foresee; the benefits of which were, at best, but speculative, and might prove delusive; and, if delusive, the attempt to obtain them must be ruinous to our wealth, our consequence, and our independence. Though he did not state the fact, as exhibiting cause and effect, yet, if it could be shewn that our commerce did not flourish when the trade with France was open, as clearly as it had been shewn that it did flourish when our trade with France was shut, men of plain understandings would suspect that there was some connection between those two circumstances. In proof of his second pro-

position, he read the preamble of an act passed in the reign of Charles the Second, for prohibiting an open trade with France, which contained these words : “ Whereas it has been, by *long experience*, found, that the importing French wines, &c. had much exhausted the treasure of the nation, lessened the value of the native commodities and manufactures thereof, and brought much detriment to this kingdom in general, &c.”

The Bishop declared, that after the most attentive examination of the subject, he could not find that such a change had taken place in the relative situations of the two kingdoms, as to render that commerce lucrative and safe, at present, which was considered as highly detrimental to the country, in Charles the Second's time, when the yearly balance against us amounted to a million sterling. Although he admitted that our manufactures have greatly improved since that period, he contended that those of France were also in a progressive state of improvement. His remarks, however, on the state of cutlery, of the cotton manufactories, and on the woollen trade, in France, were by no means correct. There was such a marked superiority in all those articles, which are included in the general denomination of *hardware*, on our part, as to set all competition at defiance, and to render every effort of the French to equal us perfectly abortive. In the manufacture of fine woollen cloths, indeed, chiefly confined to Louviers, the French certainly exceed us, but our manufacturers could afford to sell their cloths, even with the duty to which the treaty subjected them, so much cheaper, that a considerable vent for them might reasonably be expected in the home market. But the Bishop, who expressed great apprehensions on this ground, admitted that arguments, applicable to a prospective state of things, must be, in a great measure, speculative, and liable to error ; and he considered it as the misfortune of the treaty in question, that we could judge of it only from experiment, and that in making the experiment we might be undone.

In conclusion, the Bishop endeavoured to confute the argument built on the respective population of the two countries, by observing, that though it stood as twenty-four to eight, still the eight millions had

more occasion for the produce of France, and greater means for purchasing them, than the twenty-four millions had for the produce of England.—The Marquis of Lansdowne answered the Bishop, and defended the general principle of the treaty, though he expressed his dissatisfaction with those who had negotiated it, for not having obtained more advantageous terms from the French minister. He was particularly displeased with the recognition of the neutral code, in the treaty, which he was authorized to believe, from what had passed in making the late peace, would not have been insisted on by France. It was not the interest of either country to suffer new marines to start up and to grow too powerful ; and the conviction of this truth had hitherto, at least, marked the politics of the French government. He complained also of the neglect to provide for the stoppage of the works in the harbour of Cherburgh, and to include Ireland in the commercial regulations of the treaty. His Lordship well observed, that if this country should decline, it would not be on account of this treaty, but from other obvious causes. If we were to experience a perpetual change of ministers, and, in consequence, a perpetual fluctuation of systems, as we had done for many years past ; if we went on rotting in our corruption, and sacrificing the army, the church, and the state, to the paltry purpose of procuring majorities in the two houses of parliament, we could never expect to be prosperous, wealthy, or powerful. Certainly the most destructive consequences must, at all times, result from the practice of rendering the church and the army subservient to political purposes ; promotions in either should be influenced by merit alone ;—ill betide the state in which interest shall supply heads to the one, and commanders to the other!—the purest sources of national felicity will be polluted, and the best means of national defence will be destroyed !

Lord Hawkesbury defended the treaty much at length, as did also the Marquis of Buckingham ; while the Duke of Manchester, and the Lords Stormont, Loughborough, and Porchester, supported the arguments of the Bishop of Llandaff.

A great majority decided the question in favour of the treaty, and

on the 8th of March, a joint address, of both Houses, in approbation of it, was presented to his Majesty.

Having thus fixed this essential link in the great chain of his commercial system, Mr. Pitt immediately proceeded to bring forward the other parts of his plan. On the 26th of February, he introduced, to the House of Commons, his celebrated project for consolidating the duties of custom, and for the simplification of the collection of the various imposts in the three different departments of customs, excise, and stamps.—This plan had nothing of that brilliancy and splendour to recommend it which dazzle the judgment, fascinate the mind, and extort approbation; but it exhibited, to the eyes of those who were well versed in the nature and extent of human talent and intellect, a quickness and accuracy of conception, a clearness and solidity of judgment, a comprehensiveness and perspicuity, an intelligence, vigour, perseverance, and ability, which, when applied to purposes of great practical utility, command their admiration and applause.—Mr. Pitt opened the subject with observations on the long existing, and long acknowledged, necessity for a removal of the many and heavy grievances which prevailed in these departments of the revenue.—He then traced the subsisting duties of custom to their origin, in the 12th year of Charles the Second, when they were first imposed by law, under the names of *tonnage* and *poundage*. The first was a tax upon wines imported, rated according to *quantity*; and the latter a duty on various articles rated according to their *value*. The duty of *poundage* was, in its very nature, liable to great inaccuracy and irregularity, the value of the goods was ascertained by a book of rates, and was computed on the quantities of the goods; with respect either to gage, to weight, or to *taille*; it was not a real value that was fixed on them, so that the duty should bear a certain proportion to that real value, but an arbitrary value, probably fixed according to the price which they actually bore at the time when the duty was imposed, but which, from the natural fluctuations of trade and manufactures, was necessarily liable to many changes, and numerous variations. This principle of taxation, being once adopted, was pursued in every fresh subsidy which had been granted for the payment of the interest of the several loans which were

raised from time to time. In some instances, it was done by the imposition of additional duties of so much per cent. on the existing tax; in others, a farther duty was laid upon a different denomination of the commodity, either with respect to its value, its bulk, its weight, or its number; and proceeding in this manner, from period to period, it had, at length, by the numerous additions so made, and the unbounded increase of the articles of commerce, produced that mass of confusion which was now the subject of universal complaint, and which exposed the mercantile part of the nation to infinite inconvenience and delay.

Two modes had been devised for curing these evils. The first was, the forming of a compilation of the customs on each article, to which the merchant might apply for information, instead of being reduced to the necessity of consulting acts of parliament; but so various and so frequent were the revolutions in the customs, so fluctuating was the system, that, in many cases, it had undergone a change before the compilations in question could be published.

If, however, the Custom-house book were exempt from this inconvenience, it would still be greatly inadequate to the removal of the grievances so strongly felt, and so justly complained of; since a reference to the book, though it would enable the merchant to ascertain the amount of the duties which he had to pay, would not exempt him from all further trouble, by enabling him to enter his goods, and to pay down the stated amount. For, as almost the whole of the additional subsidies had been appropriated to some specific fund, for the payment of certain specific annuities, he was obliged to wait until all the usual calculations on each subsidy had been made, it being so directed by the different acts by which such subsidies had been granted; and thus, though the means of ascertaining the amount of the duties were facilitated, nothing was saved to the merchant in point of expedition.

The second remedy to which recourse had been had, by the mercantile world, for obviating the dreadful inconveniences of this blundering and complex system, was an application to the Custom-house

officers—a remedy not worse, indeed, than the disease; but certainly liable to many serious objections.—For whatever utility the merchant might derive from it, in expediting his business, it was highly improper, on the one hand, to leave the merchant at the discretion of such persons; and, on the other, to suffer the very men, who were employed by the government as checks upon the merchant, to become his agents. Similar grievances, and similar abuses, though not to an equal extent, were stated to exist in the Excise and Stamp offices.

The mode which Mr. Pitt suggested for the eradication of these evils, was a general abolition of the various duties then in existence, and the substitution of one duty in their stead, as nearly equal in amount as the nature of the case would admit. He only proposed, where a fraction was found in any of the sums, to change the fraction for the nearest integral number, in general taking the higher number in preference to the lower.—By this advance, from the fraction to the integral, much confusion would be avoided, while an increase of revenue, to the amount of about £20,000 per annum would be produced. A nearly similar plan, of substituting one general duty, for the various imposts, at present collected, was proposed for the Excise. Some idea of the magnitude of this project, for simplifying the collection of duties, may be collected from the number of resolutions which it was necessary for the House to adopt, in order to carry it into effect; this was no less than *three thousand*. The House concurred with Mr. Pitt in the wisdom and utility of the measure; and Mr. Burke, with a frankness highly honourable to his character, rose immediately after him, and declared, that the plan proposed was in itself so obviously necessary, beneficial, and desirable, and Mr. Pitt had opened it with such extraordinary clearness, and perspicuity, that he thought it did not become him, or those who, like him, unfortunately felt it to be their duty frequently to oppose the measures of government, to content themselves with a sullen acquiescence; but to do justice to the Minister's merit, and to return him thanks on behalf of themselves and the country. A bill, founded on the resolutions of the House, was brought in, on a subsequent day, passed through its different stages, in the course of the Session, and ultimately received the royal sanction.

CHAPTER IX.

The Corporation and Test Acts—Their Origin and Design—The Principle of them examined and justified—The Citizens of Athens subject to a Test-Law—The Oath of *Conformity* which every Athenian was compelled to take before he could be admitted to any office in the state—Mr. Beaufoy's motion for a Repeal of those Acts—Fallacy of his argument exposed—He is answered by Lord North—who shews the intent of the Legislature in passing the Acts—expresses his jealousy of the Dissenters—Mr. Pitt opposes the motion—and contends that the Dissenters enjoy as perfect a toleration as the safety of the Establishment will permit—Mr. Fox supports the motion—Sir William Dolben quotes Dr. Priestley's authority for the danger to which the Church is exposed—Question lost—Mr. Pitt opens the Budget—His financial statements opposed by Mr. Sheridan—Confirmed by the House—The Prince of Wales's debts—Observations on the nature of them—Application to the House of Commons, on the subject, by Alderman Newnham—Mr. Rolle mentions the reported marriage of the Prince with Mrs. Fitzherbert—Mr. Fox, by the Prince's authority, solemnly declares that no such marriage had ever taken place—Confident assertions, of a contrary nature, by public writers—Observations on the importance of this discussion, and the law respecting such marriage examined and defined—Mrs. Fitzherbert asserted to be no Papist—The contrary affirmed—The Prince's debts settled without the Interference of Parliament—Prosecution of the charges against Mr. Hastings—Eloquent speech of Mr. Sheridan—Its effect—Mr. Fox and Mr. Taylor's conduct on the occasion censured—Charges supported by Mr. Pitt—Opposed by Lord Hood—confirmed by the House—Mr. Hastings impeached by the Commons before the Lords—Parliament prorogued—Mr. Pitt's conduct respecting Mr. Hastings defended against the censures pronounced upon it.

[1787.] During this session of Parliament, a question of civil polity arose, which became the subject of frequent discussions, during the administration of Mr. Pitt. This was the repeal of the Corporation and Test Acts, which had been framed for the express purpose of securing the civil and ecclesiastical constitution of the kingdom from those dangers, which had, previous to their existence, reduced it to the brink of destruction. With the history of these salutary, and most necessary, laws, no Englishman can be supposed to be unacquainted, since they have engaged the attention of some of the most able and learned writers of the last and present century. Had they been enacted

in the reign of Elizabeth, or in that of her successor, it is most probable, that the bloody event which disgraced the annals of the seventeenth century, and for which a national atonement, as it were, is still annually offered, had never occurred. They were laws, not of a speculative nature, but which arose out of a conviction of their necessity, founded on the experience of the evil consequences which had resulted from the want of them. They were dictated, not by selfishness, revenge, or tyranny, but by self-preservation, by a sense of the blessings which our constitution imparts, and by a natural desire to ensure them from a repetition of those attacks, which had once wrested them from us for years, and which had even threatened them with annihilation. But though no one could be ignorant of the history of these laws, many were found who misrepresented both their nature and their tendency. These men never considered, that they did not inflict *punishment*, but merely adopted *precautions*; that their operation was not to deprive any description of individuals of the *capacity* to obtain political power, but to impose on all, indiscriminately, the *same* necessary *condition* or *qualification*, for the enjoyment of it. If there were persons who did not choose to submit to this condition, their consequent exclusion was the effect of their own voluntary act; and it could no more be imputed to the tyranny of the government, than the inability of those to vote for representatives, or to hold various situations, who have not the qualification which the law requires.

As to the right of a government to enact such laws, that has been so amply and so ably discussed, by the most eminent writers, but more particularly by Sherlock and Warburton, as to remove every doubt on the subject. It was a right acknowledged and exercised by the freest states of antiquity. Athens, ~~in~~ a period when her liberty was the most rational, and the best secured, imposed a rigid test on all her citizens, who held any place of trust or importance, for the security of her established religion. They were obliged to take the following oath, which Stobæus extracted from the writings of the Pythagoreans. "I will not dishonour the sacred arms, nor desert my comrade in battle. I WILL DEFEND AND PROTECT MY COUNTRY AND MY RELIGION, whether alone, or in conjunction with others :

“ I will not leave the public in a worse condition than that in which
 “ I found it, but in a better: I will be always ready to obey the su-
 “ preme magistrate, with prudence, and to submit to the established
 “ laws, and to all such as shall be hereafter established by full consent
 “ of the people: and I will never connive at any other who shall pre-
 “ sume to despise or disobey them; but will revenge all such attempts
 “ on the sanctity of the republic, either alone, or in conjunction with
 “ the people: and, lastly, I WILL CONFORM TO THE NATIONAL
 “ RELIGION. So help me, those Gods who are the avengers of per-
 “ jury*.” But if there had been no example to sanction these laws,
 the necessity which gave birth to them would have afforded a suffi-
 cient sanction.

The motion for taking the repeal of them into consideration, was brought forward by Mr. Beaumont, in the House of Commons, on the 28th of March. He contended, that the Corporation Act, which passed in the year 1661, when the kingdom had scarcely recovered from the effects of those internal convulsions which had shaken it to the centre, was directed against the dissenters of that day, who had borne a conspicuous part in the civil commotions of the times; and that the dissenters of the present day were not responsible for them, and were peaceable and well-disposed subjects.

It was true, indeed, that one of the objects of the law was to deprive those turbulent Schismatics of all future opportunity of exciting rebellion in the land;—but it had a further, and a more important ob-

* Οὐ καίαισιν ὅπλα τὰ ἱερὰ, ἔδ' ἰγκαλιεῖψω τὸν παρασάτην, ὅπῃ ἂν στοιχῇσω. ΑΜΥΝΩ ΔΕ ΥΠΕΡ ΙΕΡΩΝ, καὶ ὑπερ ὁσίων, καὶ μόνου, καὶ μετὰ πάντων, τὴν πατρίδα γὰρ ἐκ ἑλαστω παραδύσω, πλὴν γὰρ καὶ ἀρείω, ὅσαρ' ἂν παραδίδωμαι. Καὶ ἀνηκοσῶ τ' αἰὶ κρεινόνων ἰμφορόνως, καὶ τοῖς θειμοῖς τοῖς ἰδρυμένοις πείσομαι, καὶ ὅς τις ἂν ἄλλως το πλῆθος ἰδρύσῃται ὁμοφρόνως, καὶ ἂν τις ἀναιρε τὸς θεισμες ἢ μὴ πειθῆναι, ἐκ ἐπιτριψῶ, ἀμυνῶ γὰρ καὶ μόνου, καὶ μετὰ πάντων. Καὶ ΙΕΡΑ ΤΑ ΠΑΤΡΙΑ ΤΙΜΗΣΩ ἱερῆς θεοῖς τέτων. Joem. Stobæi de Repub. Serm. XII. p. 243, edit. Lugdun, 1608.

See Bishop Warburton's reasoning on this subject, in his “Alliance between Church and State.” P. 238, et seq. *Third edition*, 1748, where it will be seen, that even William Penn, the Quaker, framed a test law for the security of religion, when he gave a constitution to the Pennsylvanians.

ject,—to prevent, by a solid and permanent barrier, all the enemies of the established religion from acquiring such a portion of political power as would supply them with the means of subverting it, and of overthrowing, by its subversion, the civil constitution of the country.

The Test Act, which passed in 1672, was entitled an act for preventing dangers which may happen from popish recusants; and which, therefore, Mr. Beaufof maintained, could not, with justice, apply to protestant dissenters. He then passed from the particular circumstances attending the origin of those laws, to the general principle of such enactments. Every man having an undoubted right to judge for himself in matters of religion; he ought not, it was asserted, on account of the exercise of that right, to incur any punishment, or to be branded with a mark of infamy; but that the exclusion from military service, and civil trusts, was both a punishment and an opprobrious distinction. To prove that it was in strictness a punishment, Mr. Beaufof observed, that it was, in fact, that punishment which the laws inflicted upon some of the greatest crimes. If a civil officer had been detected in a flagrant breach of his duty, or wilfully and corruptly violated his oath of office, the punishment which the law inflicted, for such perjury, was the same incapacity under which dissenters laboured, to hold any office of honour, emolument, or trust. In the case of dissenters, too, it was inflicted for no crime, but for opinions purely religious.

Specious as this argument might appear, its sophistry was manifest. A man is not *punished* because he cannot hold an office of trust without submitting to the same conditions which are imposed upon subjects of every denomination. It might, with at least equal plausibility, be maintained, that a man who has not an estate of three hundred a-year, has the same punishment inflicted on him as the culprit who has been convicted of the high crimes of corruption, bribery, and subornation of perjury; that is, he is rendered, by law, incapable of holding a seat in the House of Commons. The man, too, who has not a freehold of forty shillings a-year, may be said to receive the same punishment as the voter who has been disfranchised for a corrupt and in-

famous prostitution of his privilege. But, was such incapacity, arising out of a legal disqualification, ever described as a *punishment*, as a *mark of infamy*, or as an *opprobrious distinction*?

Mr. Beaufoy admitted, that a regard to the general good ought to control all other considerations; but, he observed, that no invasion of civil rights, that was not essential to that good, could possibly be justified, on the grounds either of policy or of reason. He contended, that the continuance of the acts, which invaded the rights of dissenters, was not necessary to the general good of the kingdom. He vindicated the dissenters from the charge of republicanism, asserted their loyalty, and expressed his belief that the abolition of the penal law would give *additional security* to the church, by *removing the only ground of resentment against it*, and the only bond of union, by which they were induced, in their various denominations, to make a common cause, and support each other. He proposed to abolish the sacramental test, but to retain the oath of abjuration and supremacy, and the declaration against the doctrine of transubstantiation; the first of which excludes all Jews and Infidels, and the last, Roman Catholics. He then cited the examples of Scotland, Ireland, Holland, Russia, Prussia, and the dominions of the Emperor, in none of which, as he said, were religious tenets made the grounds of civil disqualifications.

He was answered by Lord North, who had long studied this important question, with great attention, and with equal success, for no one ever understood it better. His Lordship had recently lost his sight, and had not attended his duty in Parliament, during this session; but the question now under discussion appeared to him of so much importance, that, foregoing all considerations of personal ease, he resolved to deliver his opinion upon it. He professed himself a sincere friend to religious toleration, rightly understood; but he thought that, in the year 1778, when he was minister, a finishing stroke had been put to the penal restriction upon religious opinions; and that, as general a toleration had been then granted, as was consistent with the security of the established form of government. If any thing remained, that could operate as a burden upon any man's

conscience, in God's name, said he, let it be done away ; but let not the admission of persons of particular denominations, into the offices of the state, be confounded with liberty of conscience. If government found it prudent and necessary to confine them to persons of particular principles it had a right so to do ; it was a right belonging to all states ; and all had exercised it, all did exercise it, and all would continue to exercise it. If dissenters claimed it as their undoubted, their natural right, to be rendered capable of enjoying offices, and that plea were admitted, the argument might extend to all men ; the vote of a freeholder, for a representative in Parliament, was confined to those who possessed a freehold of forty shillings or upwards ; those not possessing that qualification might call it an usurpation of their right, to prevent them from voting also.

In answer to the assertion, that other countries had no test laws, and that their established churches were not endangered for the want of them, his Lordship remarked, that France had Protestants at the head of her army and her finances, and Russia employed Catholics in her service, but that it should be considered these were arbitrary governments, and conducted upon principles totally different from ours. Holland, indeed, admitted men of all religions into her army, because, not having subjects enough of her own, she was obliged to have recourse to foreign troops ; but there was no place where they restrained their civil officers more to the established principles of the country, and the same policy prevailed in Sweden.

It had been said that, by the corporation and test acts, every man who refused to submit to them, was subject to the same punishment as those who were convicted of great and heinous crimes ; but that was not the fact. No man, because he did not choose to receive the sacrament of the Lord's Supper, according to the usage of the Church of England, was subjected to any punishment whatever. The act, his Lordship truly described, as holding out punishment only to those who filled offices, without observing the conditions which the law prescribed ; and they were punished for wilfully flying in the face of a legislative act. Nor was any indignity offered to the dissenters, by

their non-admission to offices, without the qualification required by the test act. Had not the country, he asked, resolved, that no king or queen should sit on the throne of the British empire, who refused to comply with the provisions of the test act? If the throne were offered to any prince who could not comply, from motives of conscience, to refuse him the throne would be to offer him no indignity, no insult.

His Lordship affirmed, that the intention of the legislature, in passing these acts, singular as it might appear, was to include both papists and dissenters. This was evident from their conduct at the time. The corporation act clearly meant to exclude the sectaries, and was not meant to extend to the papists, but it did exclude both;—the test act was chiefly intended against the papists, but included the dissenters also; and when the Parliament passed both these acts, they knew that they included both. What, he asked, was the opinion of the Parliament at the revolution? Taught by the miseries which they had experienced, and by the dangers which they had escaped, they deliberately went through all the acts, and repealed them every one, except the corporation and test acts, which they considered as mere civil and political regulations. These they preserved, because they thought them necessary for the safety of the church, and for the preservation of the constitution. By that Parliament a just line was drawn for the relief of conscience, on the one hand, and for the security of the established religion on the other. His Lordship declared, that he considered the test act as THE CORNER STONE OF THE CONSTITUTION. King James, when he wished to gain the Prince and Princess of Orange to his views, asked their opinion on the propriety of repealing the test and corporation acts. The Prince answered, that he agreed to the removal of the corporation act, but not to the repeal of the test act; and declared it to be the practice of Holland, to confine all civil employments to those who professed the religious principles of the States, but that the army could not be so restrained, on account of the paucity of native troops, and the consequent necessity for the employment of foreigners. Nothing brought James so speedily to the crisis of his fate as the test act, which restrained him, and rendered it impossible for him to fill all offices, civil and military, with those of his

own sect, which he hoped to be enabled to do by obtaining the repeal of the test act; and then, said Lord North, there would have been an end to all liberty. It was the duty, his Lordship conceived, of every member of the House, to prevent that which might, at a future period, subject the nation to the same dangers which it had before experienced.

In answer to an observation of Mr. Beaufoy, who had laid great stress on the profanation of the sacrament, by mixing it with temporal concerns, and on the distressed situation of the clergy, who were, on that account, compelled to administer it to all who came to receive it, or else to subject themselves, by a refusal, to grievous prosecutions, Lord North avowed, and with great truth, that so far was it from being the wish of the clergy of England to have the test act repealed, they were all alarmed at the intention of proposing such a measure, and were determined to resist it with all their strength. Every minister, he said, was bound, by his office, to refuse the communion to any unworthy person; if he refused according to law, by law he would be justified. The fear of an action should not prevent a man from doing his duty. If the sacrament, in many instances, were taken unworthily, he feared many false oaths were also taken; but could that operate as a reason for the abolition of oaths, which, in many cases, were absolutely necessary? The legislature was not to be answerable for the consequences of the sacrament being taken unworthily, any more than for the consequences of perjury. His Lordship, in conclusion, warned the House of the danger of breaking down that barrier, which had, heretofore, in times of peril, guarded and preserved the constitution.

Mr. Pitt supported the arguments of Lord North, and particularly enforced the necessary distinctions between a participation in the offices of state, and liberty of conscience. He observed, that there must be a distinction of rights in all societies; that, for instance, in this nation, all the modes of representation necessarily included modes of qualification. But was a man to be considered as punished, or disgraced, because he had no vote for a city, a county, or a borough?

The true question he stated to be, whether there was any substantial interest which made it necessary, that one part of the community should be deprived of a participation in its civil offices? The security of the established church was an interest of this nature, and he thought that it would be endangered by the proposed repeal. It had been asserted, indeed, that the dissenters had not a wish to encroach upon the establishments of the church; but he begged leave to question the accuracy of such assertion; as he must look to human nature to find out the springs of human actions. If the danger was not certain, at least it was not chimerical; it would afford sufficient foundation for those apprehensions which ought not to be lightly treated. It was even reasonable, he contended, to conclude, without the imputation of injustice to the dissenters, that if they saw an opening fairly before them, they would attempt to introduce changes in our system; there existed a natural desire in all men to extend the influence of their religion; the dissenters were never backward in promoting the gratification of such desire, and it was necessary for the establishment to have an eye to them. There were some dissenters, who declared, that the Church of England was a relick of popery; there were others who maintained, that all establishments were wicked and unlawful; these might not be the opinions of the majority; but no means could be devised to admit the moderate part of the dissenters, and to exclude the more violent; the same bulwark must be kept up against all. Mr. Pitt further observed, that a corporation, brought exclusively into the hands of dissenters, which might, not unfrequently, happen, should the act be repealed, was a very different thing from the admission of a dissenting member into that House.* When a dissenting representative was chosen by members of the Church of England, he was more likely to come in with sentiments friendly to the establishment, than if he were chosen by a majority of dissenters: in this latter case it would be his interest to play the game of the dissenters against the established church. He finally remarked, that the discretionary power wisely lodged and liberally exercised every year in bills of

* This was an allusion, and an answer to a part of Mr. Beaufoy's speech, in which he had remarked, that as dissenters were allowed to hold seats in the legislative body, it was absurd to suppose that they might not be safely entrusted with executive offices.

indemnity by the legislature, left the dissenters no reasonable ground of complaint; and that they possessed as perfect a toleration as the security of the established constitution in church and state could admit.

Mr. Fox, and several other members, supported Mr. Beaufoy's motion, and it was opposed by Sir William Dolben, who, in proof of the dangerous designs entertained by the dissenters, read a passage from one of the inflammatory publications of Dr. Priestley, in which he observed: "That their silent propagation of the truth, would, in the end, prove efficacious. They were wisely placing, as it were, grain by grain, a train of gunpowder, to which a match would one day be laid, to blow up the fabric of error, which could never be again raised upon the same foundation."—The question was negatived by 178 votes against 100.

The flourishing state of the revenue enabled the minister this year to appropriate a million to the new sinking fund, for the liquidation of the national debt, without the imposition of any new tax, although the current expenses had not yet been reduced to a level with the peace establishment, and although trade had not yet reverted to its former channels; and a considerable failure had been experienced in the crops of sugar in our colonies, by which a defalcation of £320,000 had taken place in the receipts at the custom house. When Mr. Pitt, in opening the budget, explained these circumstances to the House of Commons, he was answered by Mr. Sheridan, who denied that the finances of the country were in a flourishing situation, and who cast some reflections on the committee of revenue, which had sat the year before, and whose report he censured as fallacious and delusive. Mr. Grenville, (now Lord Grenville) who had been a member of that committee, vindicated its proceedings, and the House sanctioned the statements of the minister.

The attention of the public had, during these late proceedings in Parliament, been directed to a subject of some delicacy and importance, relating to the Hereditary Apparent of the Throne of Great Britain.

The Prince of Wales had, during the Portland administration, in 1783, come of age, when such an establishment was made for him, as became his rank and station. Fifty thousand pounds was the annual allowance which his Majesty had deemed sufficient for the support of that establishment; but, whether the increased price of every article of consumption had not been duly attended to, in this arrangement, or whether the Prince's generosity had outstripped his prudence, it is certain that, in the summer of 1786, he had incurred debts to the amount of one hundred thousand pounds, exclusive of a large sum, upwards of fifty thousand pounds, expended on the alterations and improvements at Carleton House. An account of these debts had been laid before his Majesty, who, after inspecting it, refused to interfere for the relief of the Prince. Upon receiving this refusal, his Royal Highness had recourse to the extraordinary measure of foregoing that state which the credit of the nation required him to support, and for the support of which the income before mentioned had been specifically allotted him. He dismissed the officers of his household, reduced his establishment to that of a private gentleman, sold his horses, and stopped the works which were going forward at his town residence. All this would have been extremely prudent and proper in any other person; who had been, inconsiderately, betrayed into expenses beyond his income, and whose means of retrenchment could affect no one but himself. But the case was very different with the Prince of Wales, who lived not for himself; no one of whose actions could be indifferent to the community; who had a great public character to uphold; and who should have regulated his conduct and his feelings, as far as the infirmity of human nature would permit, by the consideration of *what he was*, and *what he was destined to be*. The state, the pomp, and the magnificence, which were intended to surround the heir apparent, were not calculated for the gratification of his personal feelings, but to do honour to the nation, over which he was one day destined to reign. To resign these, therefore, was no proof of magnanimity, properly so called, because it was not a *personal sacrifice*, though, no doubt, the retention of them would have been a *personal gratification*, and a laudable and honourable *object of ambition*; but it was a species of national disgrace which the nation could not fail to feel, though incurred with-

out their own previous knowledge, participation, or consent. Had the Prince viewed the subject in this, its only proper, light, he would have weighed well the amount of his income, with the extent of his establishment, and would have devoted only the *surplus* of his annual allowance to those extraordinary expenses which formed no part of the calculation, when that allowance was fixed; he would have considered that the support of his establishment was a debt which he owed to the public, and that it was the first debt which he was bound, in duty, and in honour, to discharge. A due attention to the situation in which the hand of Providence had placed him, would have informed him, (and, had a *Sully* been his adviser, the truth would have been indelibly impressed on his mind) that a Prince is not born solely for the enjoyment of *privileges*, but, also, for the performance of *DUTIES*; and that the latter should be regarded as the *moral condition* of the former. If, on a close investigation, the income originally granted had been found inadequate to the support of the necessary establishment, a remonstrance should have been made on the subject, and, if that had proved ineffectual, the establishment should have been proportioned to the allowance. A difference of opinion, indeed, had subsisted at the time between the King and his ministers, on this subject, and the Prince had, very generously, interfered, in order to remove it, and had expressed his wish that the King himself might be left to judge what allowance it was proper to make him. Having done this, his Royal Highness should have so arranged his expenses as to make them come within his income, and if, in that case, he had not displayed all the pomp and splendour, which became his station, no blame could possibly have attached to him, and the evil, (for an evil it would have been) would speedily have found its own remedy.

One circumstance, attending this occurrence, had particularly excited public curiosity, and extorted public animadversion. This was the *nature* of the Prince's debts. If they arose from excess of generosity, displayed in the reward of indigent merit, or in the encouragement of the arts and sciences; or, even, from an extraordinary manifestation of splendour, in his domestic arrangements, they must have proceeded from a princely spirit, the ebullitions of which, cold pru-

dence might possibly have censured, but genuine patriotism could not but applaud. But if they sprang from lawless gratifications, engaged in without reflection, and indulged without restraint;—from voluptuous enjoyments attended with circumstances both of danger and of disgrace, not only the stern moralist must condemn, but the sober christian must arraign, them. And, indeed, the mere consideration that every member of the community, who contributed to discharge, had a right to investigate, and to judge, them, must have inflicted a most severe wound upon a delicate, susceptible, and honourable mind. In the course of this discussion, a connection which the Prince had formed with Mrs. Fitzherbert, a papist, was much canvassed; but as it became the topic of some interesting conversation in the House of Commons, it will be better noticed in the account of the parliamentary proceedings on the subject of the Prince's debts.

On the very day, on which the budget was opened, the 20th of April, and before Mr. Pitt had entered upon the business of finance, Mr. Alderman Newnham demanded of him whether it was the intention of his Majesty's ministers to bring forward any proposition for rescuing the Prince of Wales from his present embarrassed and distressed situation. Mr. Pitt having answered that he had not been honoured with any commands from his Majesty on the subject, the alderman gave notice that, on the fourth day of May, he should bring the matter before the House, by a regular motion.—In the intermediate time, on the 24th of April, Mr. Pitt took occasion to inquire of the Alderman the precise nature and tendency of his promised motion, and truly represented the subject as one of extreme delicacy. He declared, that the knowledge which he possessed of many circumstances relating to it made him extremely anxious to persuade the House, if possible, to prevent the discussion of it. Should, however, Mr. Newnham persist in his resolution to bring it forward, it would be absolutely necessary to lay those circumstances before the public; and, however distressing it might prove to him, as an individual, he should discharge his duty to the country, and enter fully into the subject. At the same time, Mr. Rolle, an independent country gentleman, declared (in evident allusion to a supposed marriage between the

Prince of Wales and Mrs. Fitzherbert) that the question involved matter, by which *the Constitution, both in Church and State*, might be essentially affected; and that if the friends of the Prince of Wales persisted in their attempt, it would be necessary to inquire into those circumstances also.

Three days after this conversation, Mr. Newnham informed the House, that the object of his proposed motion was an address to the King, praying him to take into consideration the embarrassments of the Prince of Wales, and to afford such relief as to his royal wisdom should seem fit, and which the house would make good. The discussion of the question was again deprecated by many of the members of either party, but Mr. Sheridan declared, that the insinuations and threats which had been thrown out, rendered it impossible for the Prince to recede with honour. He asserted, that he had the Prince's authority to say, that his Royal Highness had no other wish than that every circumstance in his conduct should be subjected to the most minute and accurate enquiry; that no part of it, whatever, should be treated with ambiguity, concealment, or affected tenderness, but that whatever related to him should be discussed openly, and with fair, manly, and direct examination; and that he was ready, as a peer of the realm, to give in another place the most direct answers to any questions that might be put to him.—Mr. Rolle replied, that he had acted, and should continue to act, as it became an independent country gentleman to do, when the dearest interests of the nation were at stake, from the conviction of his own mind; and, if the motion proposed was persisted in, he should state, without reserve, his sentiments on the subject to which he had alluded. Mr. Pitt declared, that he had been greatly misunderstood, if it was conceived that he meant to throw out any insinuations injurious to the character of the Prince of Wales; the particulars to which he had adverted, and which he might find it necessary to state fully to the House, related only to his pecuniary affairs, and to a correspondence which had taken place on that subject, and which he thought would satisfy the House of the impropriety of complying with the proposed motion.

No further notice was taken of the subject till the 30th of April, when Mr. Newnham made some comments on the observations of Mr. Rolle, on the preceding Friday, and added, that neither he nor the Prince saw any grounds for those apprehensions which others had conceived from the proposed discussion, which, at the desire of his Royal Highness, he should certainly pursue. And he assured the House, that the Prince was not to be deterred from his purpose by the base and *false* rumours which were spread abroad concerning him. The Alderman here alluded to the report of the Prince's marriage, his denial of which must, of course, be considered as the denial of the fact by the Prince himself. But, indeed, if any doubt could have remained, on that point, it must have been effectually removed by the very direct and positive declarations of Mr. Fox, who had not been present during the former discussions, and who now embraced the opportunity for delivering his sentiments on the subject.

Mr. Fox stated, that he came down that day, *with immediate authority from the Prince of Wales*, to assure the House there was no part of his conduct which he was either afraid or unwilling to have investigated in the fullest manner. He wished the correspondence alluded to by Mr. Pitt to be produced, from a consciousness that its disclosure would redound to the honour of the Prince. And on the subject of the debt, he declared the Prince's readiness to give a fair and general account of every part of it, if such should be the wish of the House. He then adverted to the marriage. With respect, he said, to allusions made by Mr. Rolle to something *full of danger to the Church and State*, he wished he had spoken more explicitly. If he alluded to a certain low and malicious rumour, which had been industriously propagated without doors, *he was authorized* to declare it to be a falsehood*. He had thought that a tale, fit only to impose upon the lowest of the vulgar, could not have gained credit for a moment in that House, or with any one who possessed the most ordinary portion of common sense and reflection ;—but when it appeared that an inven-

* It was supposed, at the time, that the want of this authority had alone prevented Mr. Fox from taking any part in the previous conversation on this subject.

tion so gross and malicious, a report of a *fact which was absolutely impossible to have happened*, had been circulated with so much industry and success, as to have made an impression on the minds of the members of that House, it both proved the uncommon pains taken by the enemies of the Prince of Wales to depreciate his character, and to injure him in the opinion of his country, and ought to be a caution to the House, and to the nation at large, how they gave credit to any other scandalous and malignant reports that were circulated to his prejudice. He farther declared, that he was authorized by the Prince to say, that his Royal Highness was ready, as a peer of the realm, to answer, in the Upper House, any the most pointed questions which could be put to him respecting this report, or to afford his Majesty or his ministers any other assurances or satisfaction which they might require.

As Mr. Fox stated the fact of the marriage as impossible to have happened, it was, very naturally, considered, that he could speak only of a *legal* marriage, because, certainly, the marriage ceremony *might* have been performed, though the law destroyed its validity; in other words, a marriage *de facto*, might have taken place, though not a marriage *de jure*.—It was therefore essentially necessary to demand a clear explanation of his meaning. Accordingly, Mr. Rolle stated, that he was not singular in his fears for the church; other gentlemen had been equally alarmed, and he should be happy to find, that their apprehensions were groundless. Mr. Fox had said, that the fact alluded to was impossible to have happened. They all knew, indeed, that there were certain laws, and acts of parliament, which forbade it, and made it null and void; but still it might have taken place, though not under the formal sanction of law; and upon that point he wished to be satisfied.

Mr. Fox replied, with more asperity than correctness, that though what he had said before was, he thought, sufficient to satisfy every candid and liberal mind, he was willing, if possible, to satisfy the most perverse. When he denied the calumny in question, he meant to deny it, not merely with regard to the effect of certain existing laws

but to deny it *in toto*, in point of fact. The fact not only never could have happened legally, but never did happen in any way whatsoever, and had from the beginning been a base and malicious falsehood. Mr. Rolle having desired to know whether this last assertion was to be understood as having been made, by Mr. Fox from direct authority, Mr. Fox most explicitly answered, that *he had direct authority*.*

The country was, no doubt, highly indebted to Mr. Rolle for having brought this very important question to an issue. But for his introduction of the subject to the House, it is highly probable, that the formal and authoritative denial of the fact would never have been called for, and would never have been made; and the public would have been left, either in a state of uncertainty respecting it, or would have retained those false impressions which a very large portion of them had certainly imbibed.—For though the matter had been treated, by the friends of the Prince, as too preposterous for serious belief, it had become the subject of discussion in the periodical publications of the day; and one tract, in particular, had appeared, in which the belief of the marriage had been expressed, and declared to be founded “on solid grounds.”† Many of the friends of Mrs. Fitzherbert positively

* The substance of this account is taken from the Annual Register for 1787, and as that work was, at the time, written under the immediate superintendence of Mr. Burke, who was then intimately connected with Mr. Fox, not only politically, but personally, who had access to every source of information; and who, consequently, could not, on a point of such importance, be subject either to misconception or mistake, perfect reliance may be placed on its accuracy.

† “A Letter, to a Friend, on the reported marriage of his Royal Highness the Prince of Wales, by Mr. Horne Tooke;” dated April, 1787.—I did not refer to this Letter, till after the reflections, which precede the account of this transaction, had been written. On reading it, I find a striking conformity of sentiment between Mr. Tooke and myself, on that part of the subject which relates to the relinquishment of his proper state by the Prince of Wales. The passage in Mr. Tooke’s Letter runs thus: “What will be his (the Prince’s) feelings hereafter, if some ambassador of his own, shall, in a foreign land, retire from the station and dignity which he was appointed to uphold, as the representative of his sovereign, in order to apply the income of his office to the discharge of his debts; and thus attempt to avoid the reproach of private insolvency, by the misapplication of public money? The revenue of the Prince of Wales is granted to the heir apparent to live like the heir apparent; and in trust that he will maintain a correspondent state: for his dignity is the dignity of

asserted the fact of the marriage; and even the name of the clergyman who had performed the ceremony was mentioned. It was, therefore, essentially due to the character of the Prince, which had been subjected, on this account, to many rude and licentious attacks, to promote such an investigation of the business as should fully satisfy the public mind. And that satisfaction could not have been produced without such an explicit and peremptory denial of the fact, upon the direct authority of the Prince, as that which the question of Mr. Rolle extorted from Mr. Fox.

Another error, into which the friends of the Prince fell upon this occasion, was their forbearance to declare their sense of the transaction, if it had really taken place, and which was duly described by Mr. Rolle as full of danger to the Church and State.—A brief review of the law upon the case will suffice to shew the justice with which he characterized it.

The statute I. of William and Mary, st. 2. c. 2. s. 9. contains the following clause: “And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this protestant kingdom, to be governed by a popish prince, or by any king or queen *marrying a papist*; the said lords, spiritual and temporal, and commons, do further pray that it may be enacted, that all and every person and persons that is, are, or shall be reconciled to, or

the nation, and the revenue is not his to apply to any other purpose.” It would be astonishing that a truth so obvious, and so strong, should never have been pressed on his Royal Highness, if it were not a melancholy fact, that few are found with sufficient honesty and virtue to speak truth to princes!

In another popular tract, published at the beginning of the same year, the marriage was pointedly alluded to: “He (the Prince) may give the final wound to his popularity, and to the fond partiality of a great people, by forming a connection of so ambiguous, so enigmatical, and so undefined a nature, that mankind, with anxious, but fearful, eyes, shall tremble to explore, what yet they desire to ascertain.—And if this extraordinary and nameless union should be formed with a person, of a religious persuasion different from that of the country in which so strange a scene is acted, it is only to contempt and ridicule that he can fly, to avoid general disapprobation and resentment.” *A Short Review of the Political State of Great Britain, at the commencement of the year 1787.—Fourth Edition—p. 18.*

“ shall hold communion with, the see or church of Rome, or shall
 “ profess the popish religion, or *shall marry a papist,** shall be ex-
 “ cluded, and be *for ever* incapable to inherit, possess, or enjoy, the
 “ crown and government of this realm and Ireland, and the dominions
 “ thereunto belonging, or any part of the same, or to have, use, or
 “ exercise, any regal power, authority, or jurisdiction, within the same,
 “ and in all and every such case or cases, the people of this realm
 “ shall be, and are hereby, absolved of their allegiance; and the said
 “ crown and government shall, from time to time, descend to, and
 “ be enjoyed by, such person or persons, being protestants, as should
 “ have inherited and enjoyed the same, in case the said person or per-
 “ sons so reconciled to, holding communion, or professing, or *marrying*,
 “ as aforesaid, were naturally dead.”

It is perfectly clear, that the forfeiture of his right to the crown is, by this law, attached to the mere act of marriage between the lawful heir and a papist. The words are clear and positive; they admit of no quibble or subterfuge; their meaning cannot be mistaken, nor evaded. But it has been contended, that the penalty of this statute has been rendered null by a subsequent act of Parliament, passed in the twelfth year of the present King, for the purpose of regulating the

* Mr. Tooke, indeed, whose letter bears a tone of authority, not likely to be assumed, without good reason, asserts, that Mrs. Fitzherbert ~~was~~ not a papist.—“ Whatever religious opinions *Mrs. Fitzherbert* may or may not have formerly entertained, (a matter perfectly indifferent) *her royal highness* is NOT a papist.—And whoever shall assert the contrary, if they mean to do it either with honesty, or safety to themselves, should take good care to be well provided with evidence.

“ I think I am well justified in asserting, that, since the period of her marriage, her royal highness has not performed any one act of any kind whatever, which can justify such a designation. And not only my own opinion of her understanding and good sense assures me of it, but such authority, as leaves no doubt, in my mind, confirms the assurance, that she is both ready and willing, at any time, to give proof of her conformity to the established religion of the land.” Letter—p. 42.

Whether or not Mrs. Fitzherbert was prepared to sacrifice her religion for the prospect of a throne, it is not now worth while to inquire; but it is very certain, that, since the period in question, she has openly professed the Romish faith, and had her regular director, who has boasted, and probably not without reason, that she is, though a *secret*, a *very staunch friend* to the cause of *popery*.

marriages of the royal family, as far as the consent of the Sovereign was concerned. By the eleventh chapter of that statute, it is enacted, "that no descendant of the body of his late Majesty, George the Second, male or female, (other than the issue of *Princesses*, who have married, or may hereafter marry, into foreign families (shall be capable of contracting matrimony, without the previous consent of his Majesty, his heirs, or successors, signified under the great seal, and declared in council; and that every marriage, or matrimonial contract, of any such descendant, without such consent first had and obtained, shall be *null* and *void* to all intents and purposes whatsoever." Now, it has been pretended, that as this act renders *all* marriages, without the consent of the King, null and void, it annihilates, as it were, the marriage of the heir apparent with a papist, and so exempts him from all the penalties attached to such marriage by the act of the first of William and Mary. If this reasoning was at all valid, it would extend much farther, and prevent the deposition of a Sovereign who should marry a papist, in contradiction to the provisions of the same statute of William and Mary. But unless the statute of George the Third had *expressly* repealed the act of William, which it certainly does not, it is the height of absurdity to contend that it repeals it *virtually*, or by *implication*. Where, indeed, two statutes contain contradictory clauses, it has been settled, that the first is virtually repealed by the last, so far as the matter of such clauses extends; but this is by no means the case with the statutes in question, which are perfectly reconcileable with each other. By that of William, disinheritance is the penalty for marrying a papist: by that of George the Third, such marriage, if contracted without the King's assent, is declared null: but will it be maintained, that the King's assent would suffice to legalize the marriage of the heir apparent with a papist, notwithstanding the statute of William? and if it would not, how can the statute of George be said to remove the penalty which the other statute attaches to such marriage? The fact is, that the first statute declares, that the heir apparent who shall so marry, shall forfeit all right to the throne, and that the second declares, that the marriage so contracted shall be void: the nullity of the marriage can no more remove the penalty, than the penalty can legalize the marriage. Such then being

the case, it was a most fortunate circumstance for the Prince, and for the country, that the discussion took place, and that the question was laid at rest for ever. If this construction of the two statutes be just, and it is conceived that its justice cannot be controverted, had the marriage, which was reported to have taken place, been actually celebrated, the Prince would have been rendered "*for ever* incapable to inherit," and, as a person cannot transmit a title which he has himself forfeited, the incapacity would have extended to his issue, and a scene of contention and calamity been opened, from the contemplation of which every man, who loves his country, must revolt with horror.

Whatever turn the parliamentary discussion of the Prince's debts might have taken, it was highly desirable, on all accounts, to prevent it. Accordingly, on the day previous to that which had been fixed upon for it, Mr. Pitt had an interview with his Royal Highness, and, on the same evening, the Prince was informed, by the command of his Majesty, that every thing might be settled to his satisfaction. On the fourth of May, therefore, when the House was assembled, Mr. Newnham declared, that no further necessity for his intended motion then existed.—And the intelligence was received, with great satisfaction, by all parties. The accounts of the Prince were then submitted to commissioners, named by the King, and on the 21st of May, the following message from his Majesty was delivered to both Houses of Parliament.

" It is with the greatest concern his Majesty acquaints the House
" of Commons, that from the accounts which have been laid before
" his Majesty by the Prince of Wales, it appears that the Prince has
" incurred a debt to a large amount, which, if left to be discharged
" out of his annual income, would render it impossible for him to sup-
" port an establishment suited to his rank and station.

" Painful as it is, at all times, to his Majesty, to propose an addition
" to the heavy expenses necessarily borne by his people, his Majesty
" is induced, from his paternal affection to the Prince of Wales, to

“ recur to the liberality and attachment of his faithful Commons, for
“ their assistance on an occasion so interesting to his Majesty’s feel-
“ ings, and to the ease and honour of so distinguished a branch of his
“ royal family.

“ His Majesty could not, however, expect or desire the assistance
“ of this House, but on a well-grounded expectation, that the Prince
“ will avoid contracting any debts in future.

“ With a view to this object, and from an anxious desire to remove
“ any possible doubt of the sufficiency of the Prince’s income to sup-
“ port amply the dignity of his situation, his Majesty has directed a
“ sum of £10,000 per annum to be paid out of his civil list, in addi-
“ tion to the allowance which his Majesty has hitherto given him; and
“ his Majesty has the satisfaction to inform the House, that the Prince
“ of Wales has given his Majesty the fullest assurance of his determi-
“ nation to confine his future expenses within the income, and has also
“ a settled plan for arranging those expenses in the several depart-
“ ments, and for fixing an order for payment under such regulations
“ as his Majesty trusts will effectually secure the due execution of the
“ Prince’s intentions.

“ His Majesty will direct an estimate to be laid before this House,
“ of the sum wanting to complete, in a proper manner, the work
“ which has been undertaken at Carleton House, as soon as the same
“ can be prepared with sufficient accuracy, and recommends it to his
“ faithful Commons to consider of making some provision for that
“ purpose.”

Two days after, the accounts of the Prince’s debts and expenditure for three years, to July, 1786, was presented to the House: the former amounted to £161,109; the latter to £193,648, making the annual expenses, independently of the debts, upwards of £64,000 per annum. The House addressed the King on the subject, requesting him to advance the money for the payment of the debts out of the civil list, and £20,000 towards the improvements at Carleton House, till such time

as a regular estimate could be prepared, which sums they would make good.

Although the House had devoted so much time to the consideration of these proceedings, they had not lost sight of the grand inquiry which had been instituted in the preceding session, respecting the conduct of Mr. Hastings, nor yet relaxed in their efforts for bringing the question to a speedy issue. On the seventh of February, Mr. Sheridan opened the third charge, for the resumption of the Jaghires, and the confiscation of the treasures of the Princesses of Oude, the mother and grandmother of the reigning nabob.—On this occasion, Mr. Sheridan, in a speech, the delivery of which occupied five hours and a half, displayed such wonderful powers of eloquence as astonished all who heard him. Mr. Pitt, Mr. Burke, and Mr. Fox, all combined to represent it as a master-piece of human genius, surpassing every thing which ancient or modern history could supply. Its effect was such, that the House, feeling the impropriety of coming to a judicial decision, under the influence of such fascination, adjourned the debate till the following day.* Mr. Pitt, having listened, with attention, to all the arguments, on either side, briefly delivered his sentiments in support of the charge. He declared, that he had, from the first moment of their introduction to the House, considered the charges as containing matter of a most serious and important nature, in which the honour and character of that House, and the honour and character of the party accused, were both deeply involved.—He exhorted the committee, therefore, to deliberate with the greatest temper, and not to decide in any

* The adjournment was vehemently opposed by Mr. Fox and Mr. Michael Angelo Taylor, on the ground that it was utterly *unparliamentary* to adjourn for no other reason than because the members were too firmly convinced. This was the language, not of men exercising a judicial function, but of partisans contending for a political object. When it is remembered, that the House would pay no attention to one of Mr. Hastings's friends, who rose to answer Mr. Sheridan, and who was, on that account, compelled to sit down again without delivering what he had to say, it will afford matter for surprise, that a single individual could be found, in such an assembly, so totally forgetful of the first principles of justice, as to press for a decision without hearing *both sides* of the question.—If to adjourn for such a purpose were, indeed, *unparliamentary*, the fact could only tend to prove the total unfitness of a popular assembly for the exercise of judicial functions.

one stage of the business, without having previously made the fullest investigation of every fact stated in each particular charge, and a careful comparison of the whole of the evidence adduced, both in favour of the accused, and in support of the accusation against him ; so that on which ever side they should finally give their votes, it might be on the fullest conviction, that they had discharged their duty honestly, impartially, and conscientiously. He had the satisfaction to know, that this had been the line of conduct which he had pursued from the moment that the subject had been first submitted to the consideration of Parliament ; and, as he had ever been of opinion, that the charge relative to the Princesses of Oude, was that which bore upon the face of it the strongest marks of criminality and cruelty, so had he been particularly careful to guard against the impression of every sort of prejudice, and to keep his mind open for the reception of whatever could tend, on the one hand, to establish innocence, or, on the other, to bring home conviction of guilt ; and, in order the better to enable himself to decide with safety, he had, with the utmost minuteness and attention, compared the charge, article by article, with the evidence adduced at the bar in support of each, and with the various minutes and letters which had been brought before the House, or were any where to be found within his reach. He then declared, that although, for reasons which he should state, he thought himself bound to vote with the gentleman who preferred the charge, yet he wished it to be understood, that he did not accede to the whole of the grounds of the accusation contained in the charge, or to the inferences which had been drawn from them. The resumption of the Jaghires was the measure which, in his opinion, might, in certain situations, have been justified ; but the situation of the India Company, as guarantee of the treaty, laid them under the strongest obligation, perhaps, positively, and at all events, to resist, but certainly not to encourage, it.—The seizure of the treasures, being supported neither by any formal proceedings of justice, nor by any state necessity, it was, he said, impossible not to condemn it ; and it was greatly aggravated by making the son the instrument of robbing the mother. The crime of Mr. Hastings, he thought still further aggravated by his concealment and suppression of the orders of the court of directors, which expressly

commanded a revision of the proceedings against these Princesses.- With respect to many other collateral circumstances, urged in aggravation of the charge, he considered them either not criminal, or not brought home to Mr. Hastings.—The charge was confirmed by 175 members against 68.

Mr. T. Pelham opened the fourth charge against Mr. Hastings, on the 2nd of March, relating to his corrupt and oppressive conduct to the Nabob of Furruckabad. During this discussion, Lord Hood stood forward in behalf of the accused party. His lordship, in a manner the most solemn and impressive, called the serious attention of the House to the consequences of proceeding with too scrupulous a nicety to canvass the conduct of those who had filled stations abroad of high difficulty and important trust. Certain actions, which appeared to those at a distance in a very criminal light, were yet, on a nearer view, perfectly justifiable on the grounds of absolute and indispensable necessity. Should the fear of an impeachment by Parliament hang over the head of every commander, in whom was placed the defence of our national possessions, it must necessarily operate as a dangerous restraint on their exertions, when it was considered, that no general or admiral had ever been fortunate enough to conduct himself, in the performance of his duty, without occasionally falling into circumstances in which the public service compelled him to do things, in themselves not pleasing to his feelings, nor strictly legal; but, from the indispensable necessities of their situation, perfectly justifiable. The example set by the House of Commons, in the present instance, would for ever stand before our future commanders, and create a great and dangerous clog to the public service. His advice was disinterested, for his age was such as to preclude all prospect of future employment on foreign stations; but he spoke for those who were to come after him. His regard for his country made him anxious to prevent the establishment of a precedent, by which all her services would, in future, be greatly impeded, and this, he was confident, would be the effect of punishing any harsh and severe, but necessary and indispensable, acts of power, which the saviour of India had, for the public good, been found to commit.

Mr. Pitt immediately arose, for the purpose of destroying the effect which these observations, from such a quarter, were so well calculated to produce. He admitted, what indeed could not be denied, that in the case of every servant of the public, to whom vast and momentous concerns were entrusted, it was but just that when a complaint was made, the grounds of that complaint should be weighed with the situation in which he stood. If he suffered the necessities of his service to carry him no farther than was absolutely indispensable, and endeavoured, though it could not be done to its full extent, to reconcile his duty to his country with that which he owed to individuals, he had then the double merit of discretion and of zeal; nay, even if, in his exertions for the public, he suffered himself to be carried beyond the line of strict and urgent necessity, provided it was evident that his intentions were fair and upright, God forbid that he, or any man, should deny him his due merit, or say that the abundance of his zeal ought not to be allowed to make ample atonement for the error of his judgment. But, he asked, was the conduct of Mr. Hastings, in that part of it now before the House, correspondent to such principles? Was the crime that day alleged against him justified by necessity; or was it of such a size and complexion as any existing necessity could justify? Where a departure was made from justice and right, it was not sufficient to say, that such a step was necessary; it was incumbent on the party to point out, and to prove, the necessity, and to demonstrate the consequences likely to result from a too rigid observance of strict justice and propriety. A comparison might then be formed between the object to be gained, and the sacrifice to be made, and a judgment of censure or approbation founded on the result of such comparison: but, in the present instance, no state necessity whatsoever was attempted to be shewn, and therefore, there was no ground whatsoever for those who saw a criminal tendency in the transaction to refuse their assent to the motion. As to the second topic on which Lord Hood had expatiated,—the general merits of Mr. Hastings, in the course of his service,—there had been a period, Mr. Pitt confessed, at which such an argument might have been urged with some force; but that period was now passed. The Committee was then called upon to determine, not upon a general view of facts, the general merits or demer-

rits of the person accused, but upon a particular investigation, the criminality or innocence of that single transaction.

Having drawn these strong and just distinctions, which proved not only the accuracy of his judgment, but the rectitude of his heart, Mr. Pitt proceeded to consider the charge immediately under discussion, and to assign his reasons for thinking it a fit subject for impeachment.—It was then carried by 112 votes against 50. On the fifteenth of March, Sir James Erskine brought forward the charge relative to contracts and salaries; an alteration of which was proposed by Mr. Pitt, who was anxious to narrow its objects, as he could not give his assent to the whole of it. His proposition for that purpose, however, was overruled by the House, who confirmed the charge by a majority of 34. On the twenty-second of the same month, Mr. Windham introduced the sixth charge, respecting Fyzoola Khan, the Rajah of Ram-pore, which, after some objection to certain parts of it, by Mr. Dundas, was also carried by a majority of 37. The seventh charge, which related to the corrupt receipt of bribes and presents, was opened by Mr. Sheridan, on the second of April, and supported by Lord Mulgrave, and Mr. W. Grenville. After it was carried, a conversation ensued upon the future mode of proceeding in this important business, in the course of which, much was said respecting the intended plea of a *set off*, or a balance of merits and defects, to be preferred, on the grand question of impeachment, by the friends of Mr. Hastings. In consequence of this, Major Scott arose, in his place, the next day, disclaimed all such intention, and read, as part of his speech, a paper written by Mr. Hastings, in which he expressed a hope that no opposition would be made to the question of impeachment. Mr. Hastings presumed that, in the present examination of his public conduct there were two leading, and exclusive objects, of equal and reciprocal obligation; namely, that justice might be done to the nation, in the redress or punishment of wrongs, which it might be eventually proved that it had sustained by his acts; and that justice might be done to an individual, who might be eventually proved to have been wronged by unfounded accusations, and who even thought that he had a claim to the applause of his country, for those very acts which had been drawn into crimina-

tion against him. If it should be resolved by the House, there was ground for impeaching him for high crimes and misdemeanors, on the charges on which the Committee had already passed that decision, he presumed, that the resolution for the impeachment ought to follow of course, as the only means which could satisfy the justice of the nation in the supposition of his guilt, or clear his character in the supposition of his innocence. With regard to the first of these conclusions, he had no alarm; but for the last, he might, in common with the meanest subject of this realm, assert his right to the benefit and protection of its laws; and he trusted, that the House of Commons, which had ever been considered as the guardian and protector of the laws, would not suffer his name to be branded with the foulest and blackest imputations upon their records, without allowing him, at the same time, the only legal means of effacing them, by transferring them for trial to the House of Peers, in the form of an impeachment. The paper concluded with a request, to those members who had hitherto defended Mr. Hastings, that in the event of a decision, by the House, that there was ground to charge him with high crimes and misdemeanors, they would afford him the benefit of their votes, though united with those of his persecutors, that he might be brought to legal trial for the same.

The resolutions of the Committee were then confirmed by the House, and a Committee appointed to frame articles of impeachment.—Mr. Francis, who had had a personal quarrel with Mr. Hastings, in India, by whom he had been shot through the body in a duel, being proposed as a member of this Committee, the House divided upon the question, and he was rejected by a majority of more than two to one. The charge respecting the revenues of Bengal was opened, by Mr. Francis, on the 9th of April, and was carried by a majority of 16 only. The articles of impeachment having been prepared by the secret Committee, were read a first time on the 25th of April, and a second time on the 9th of May, when a long discussion took place.

Lord Hood took that occasion to renew his objections to the whole

proceeding, which were supported by Mr. Wilkes, Mr. Smith, Alderman Townsend, and Mr. Hay Campbell, the Lord Advocate of Scotland. These gentlemen urged that the silence of the natives of India, who were stated to have been so grievously oppressed, was a strong ground for disbelieving the truth of the accusation;—and they asked with what propriety they could impeach Mr. Hastings for extortion and plunder, while the nation, or the India Company, were suffered quietly to enjoy the fruits of them. They were answered, at some length, by Mr. Pitt, who repeated all his past arguments on the subject of the various charges, and concluded with declaring, that the House could no otherwise consult their own honour, the duty which they owed their country, and the ends of public justice, than by sending up the impeachment to the House of Lords. On a division, the final question of impeachment was carried by 175 to 89. The majority of the House then proceeded with Mr. Burke to the House of Peers, where that gentleman solemnly impeached Mr. Hastings of high crimes and misdemeanors, in the usual form; and acquainted the Lords, that the Commons would, with all convenient speed, exhibit articles against him, and make good the same. Mr. Hastings was, afterwards, taken in custody of the Sergeant of the House, and by him delivered up to the Gentleman Usher of the Black Rod. The articles were then read to him, by the Clerk of the House of Lords, and the reading occupied four hours: after which he was admitted to bail, himself in £20,000, and two sureties, Mr. Sumner and Mr. Sullivan, in £10,000 each; and he was allowed to have a copy of the articles, and to the second day of the next session, to prepare for his defence.

The remaining articles of impeachment were voted by the Commons, on the 28th of May, without any division or debate, and carried to the Lords, where copies of them also were ordered for the use of Mr. Hastings, and on the 30th the King prorogued the Parliament.

Mr. Pitt's conduct, during this inquiry, was strongly censured by the party-writers of the day.—One of the most able of these observed—“ In his vote upon that memorable transaction, I can neither

“ trace the liberality and expansion of a superior mind, nor the consistency and sound policy of an able minister. The exultation and triumph, with which his enemies beheld the error that he had committed; the concern and condemnation which many of his friends expressed and affixed to his conduct; the astonishment and incredulity with which the intelligence of it was received at Versailles;—all these concur to evince, that the measure was as injudicious in its nature, as I believe it will be found pernicious in its effects.”

Mr. Pitt's conduct was certainly not that of a *partisan*, and, therefore, all *party-men* might, very naturally be disgusted with it;—but, most assuredly, it was the conduct of an honest and upright member of Parliament. Feeling as he did feel, and thinking as he did think, on the subject of the charges preferred against Mr. Hastings, he could not, consistently with justice, and with duty, act otherwise than he did act. In the consideration of this momentous business, he totally laid aside the ministerial character, and acted merely in his judicial capacity. He weighed the evidence adduced on every charge, deliberately and dispassionately; he listened to all the arguments adduced either in support of, or in opposition to, the charges, patiently and attentively; and he formed his judgment on the whole, without passion or prejudice.—Finding, as he did, great criminality in the conduct of Mr. Hastings, and of such a nature, in his opinion, as to call for impeachment, he would have been guilty of a gross breach of duty if he had not voted for an impeachment. It does not follow, however, that because Mr. Pitt acted properly, in voting for this prosecution, that others, who saw the matter in a different light, acted improperly in voting against it; nor yet, that though Mr. Pitt was right in supporting the impeachment, the impeachment was a wise and proper measure in itself.—It is only intended to rescue him from the charge of inconsistency, which has been, most unjustly, attached to his conduct, without joining in those censures which were, with more profusion than judgment, lavished on that of Mr. Hastings, and the injustice of which the issue of this trial has, most completely, established.

CHAPTER X.

Affairs of Holland—The Stadtholder deposed—Insidious conduct of France—Death of Frederick, King of Prussia—His title to the appellation of **Great** disputed—Conduct of his Successor with regard to Holland—A Civil War breaks out—Arrest of the Princess of Orange on her way to the Hague—Resented by the King of Prussia—Duke of Brunswick enters Holland with the Prussian army—restores the Stadtholder and the former government—State of France—Dawn of the French Revolution—Causes which produced it—The Dauphin's opinion of the writings of the French Philosophers and Economists—The President de Segurier's sentiments on the same subject—Their predictions realized—Distress of the Finances—Assembly of Notables—Dissolved, without any attempt to relieve the national distress—Parliament refuse to register the Stamp-duty—The King holds a bed of Justice—Factious conduct of the Parliament—Its members banished—Recalled—Dangerous compromise of the Royal Authority—Determination of the French King to assist the Dutch malcontents communicated to the British Ministry—Spirited conduct of the Minister on that occasion—Augments the Navy and Army—France relinquishes her design—Reflexions on her conduct—Meeting of Parliament—Conduct of the Minister unanimously approved by both Houses—Subsidiary Treaty with the Landgrave of Hesse Cassel—Proposed increase of the means of Colonial Defence—Debate on the same—Defended by Mr. Pitt—Discussion respecting a recent promotion of Naval Officers—East India Company refuse to send troops to India, on the requisition of the Board of Control—Animadversions on their conduct—Declaratory Law for defining the powers of the Board of Control as settled by Mr. Pitt's East-India Bill—The definition defended by Mr. Pitt, and Mr. Dundas—Opposed by several of Mr. Pitt's Friends—and by Mr. Fox—Mr. Pitt's opinion of the propriety of incorporating the King's Troops in India with the Company's Army—Of Standing Armies in general—He introduces several clauses into the Bill, for the purpose of obviating the objections of its Opponents—Bill passed—The Budget.—Flourishing State of the Country explained by Mr. Pitt—denied by Mr. Sheridan—Mr. W. Grenville's bill for explaining his father's act respecting the trial of contested elections—The Slave-Trade—Its consideration postponed, on the motion of Mr. Pitt, to the next Session—Sir William Dolben's Bill for regulating the transportation of negroes from Africa to the West Indies—Mr. Pitt's plan for the indemnification of the losses sustained by the American Loyalists, unanimously approved by Parliament—Trial of Mr. Hastings—Motion for appointing Mr. Francis a member of the Committee for conducting the Prosecution—Rejected by the House of Commons—The same Motion renewed by Mr. Fox—Opposed by Mr. Pitt and Mr. W. Grenville—again rejected—Reflections on the subject—Account of the Expenses attending the trial moved for and produced—Sir Gilbert Elliot's motion for impeaching Sir Elijah Impey rejected—Defensive Treaty of Alliance with Holland—with Prussia—Parliament prorogued.

[1787.] While England was thus in possession of undisturbed tranquillity, and her government quietly employed in devising and executing means for opening new sources of national prosperity, and for promoting the national welfare and happiness, some of the neighbouring states presented a very different scene. In Holland, the rage of faction had risen, by progressive movements, to a height which threatened the dissolution of the social compact. The spirit of republicanism, in itself sufficiently averse from the necessary restraints of legal subordination, had, by the success of its first efforts against the constitutional authorities of the state, become so inflated with pride, so puffed up with imaginary consequence, as to lose the best features of its original character, and to assimilate itself, in its counsels and actions, to the wildest spirit of a ferocious democracy.—The Stadtholder, who had transferred his court to Nimeguen, was successively stripped, by the turbulent States of Holland, of every office and dignity which he enjoyed. These restless spirits, forgetful of the vast debt which their country owed to the family of the Prince, to which they had been indebted for their liberation from the most abject state of religious and political slavery, thus proceeded to acts of open rebellion; and degrading themselves, if possible, still farther, courted the aid and alliance of France; of that power which had, more than once, threatened their freedom and independence with annihilation, and laboured to restore them to their former miserable and wretched situation. The court of France, in pursuance of that narrow and insidious policy, which had almost uniformly marked her councils, and influenced her conduct, secretly fanned the flame of revolt, promised to the malcontents the most powerful assistance, and actually sent officers and engineers, in disguise, to serve in that army which was employed in opposing the lawful authority of the chief magistrate.

The attention of Europe was, for a while, diverted from the contemplation of these disgraceful scenes, by the death of Frederick the Second, King of Prussia,* the Sage of Sans Souci;—a Prince who had established the independence, and extended the limits, of his country,

* He died on the 17th of August, 1786, in the 75th year of his age.

by his mental fortitude, and personal skill; while he had promoted the prosperity and happiness of his subjects, over whom he ruled with absolute sway, by the wisdom of his counsels, and the prudence of his economical regulations. To whatever pretensions this conduct might afford to the appellation of *Great*, too often bestowed without consideration, and without justice, Frederick was certainly entitled. But it must not be forgotten, that in all the essentials of *goodness*, without which true *greatness* cannot subsist, this prince was miserably deficient. In aspiring to become a PHILOSOPHER he ceased to be a CHRISTIAN. Realizing the fable, he grasped at the *shadow*, and lost the *substance*. Woeful extent of human depravity! wretched perversion of human intellect! At one time, his court was crowded with infidel philosophists, chiefly imported from France, who administered food to his vanity, and, being fattened on his bounty, treated him with contempt, and made him the subject of reproach. “He may be,” said they, “a philosopher among Kings, but he is only a King among philosophers.” The *compliment* was entirely unmerited, for his Majesty was nearly as far advanced in their principles of philosophy, as they the masters of the school. The effects of his impious contempt of religion soon became visible, not only upon those around him, but in his own personal conduct, of which well-authenticated instances have been recorded, too disgusting and too horrible for the page of history to preserve.

The new monarch of Prussia, Frederick-William, whose sister the Stadtholder had espoused, early resolved to take a decisive part in restoring tranquillity to Holland, and in reinstating the Prince of Orange in the power and dignities which had been wrested from him by the hand of revolt. He proceeded, however, with great caution, and, in the first instance, satisfied himself with proposing to open a negotiation for an amicable arrangement of existing difficulties, under the joint mediation of himself and the King of France. A Prussian and a French minister were accordingly dispatched, for that purpose, to the Stadtholderian court, at Nimeguen; but the democratic party, imputing this cautious conduct to a repugnance, in the King of Prus-

sia, to adopt a more active mode of interposition, and placing a full reliance on the promised support of France, rose so high in their demands, and became so insulting in their proposals, that the conferences were suddenly broken off. A civil war soon followed, the army of the Prince came to blows with that of the insurgents, and the flames of internal discord threatened to extend from one extremity of the republic to the other.

At this juncture, the Princess of Orange undertook a journey to the Hague, in order, as she affirmed, to make some friendly propositions to the States General. She was, however, stopped, in her way, by the civic commander of a republican corps, who arrested her progress, took her into custody, and treated her with insolence and brutality. This event afforded the King of Prussia a new pretext for interference. He declared his resolution to avenge the outrageous insult which his sister had sustained, and he formally demanded reparation, of the States, and the punishment of the offenders. The States General expressed their abhorrence of the conduct observed by the insurgents, and their perfect approbation of his Majesty's proceedings. The States of Holland, however, who were the instigators and leaders of the revolt, and who had previously sanctioned the seizure of the Princess with their express approbation, returned an evasive answer to the King. But Frederick-William was not to be deterred from the pursuit of his purpose;—he renewed his representations, in the most forcible terms, and even applied to the court of France on the subject. The French King, to the utter astonishment of the democratic party, joined his Prussian Majesty, in reprobating the treatment which the Princess of Orange had experienced, and justified his demand of satisfaction.—No attention being paid to his repeated remonstrances, he gave final orders to the Duke of Brunswick to enter the territory of Holland with a Prussian army. That general accordingly entered the province of Guelderland, on the 13th of September, 1787, and, after a series of operations, most skilfully combined, and most rapidly executed, in less than a month he subdued all resistance, took possession of the refractory city of Amsterdam, on the 10th of October, and re-

stored to the country its pristine form of government, and to its constitutional chiefs their former authority.

But, during this time, a scene of a different nature began to be exhibited in the neighbouring kingdom of France;—a scene less gloomy in its origin, but more comprehensive in its range, and, unhappily, more permanent in its duration.—In short, the dawn of that revolution, which, in its effects, has desolated one half of Europe, and spread consternation over the whole civilized world, had now begun to appear. To give even a brief abstract of the various causes which combined to produce this wonderful phenomenon, in the political hemisphere, and to trace a faint outline of its destructive progress, would greatly exceed the limits of such a work as the present, and would require a still larger work, devoted exclusively to that subject.* It will be sufficient, for the present purpose, to observe, that the change which appeared in the public mind, though apparently sudden, had been the gradual work of time; the chief causes which united to effect it, were—first, the writings of the French economists, which had long been circulated, with wonderful industry, partly in an open manner, but, more generally, under the suspicious appellation of *Livres defendues*, or prohibited publications, which contained the most impious and immoral principles and reflections: second, the part which France had taken in the war between Great Britain and her American Colonies, and the close intercourse which it occasioned between the subjects of a despotic monarchy, and the colonial rebels of a free state. and, third, the financial distress, which proceeded from the unhappy interference in that contest.—The last was the immediate cause, or rather the direct instrument, of the revolution. The vast expense attending the last war had entailed burdens on the country, which the skill of successive ministers had, in vain, been exercised either to remove, or to support.—And in the year 1786, the enormous deficit of

* It is the Author's determination to write a full and complete history of the French Revolution, from a conviction of the absolute necessity of recording all its dire events, that posterity may not be deprived of the awful, and most instructive, lesson, which it affords. An immense mass of materials has long been collected for the purpose.

one hundred millions of livres, or four millions, one hundred, and sixty thousand pounds sterling, by which sum the annual expenditure exceeded the revenue, imposed on the government the absolute necessity of adopting some immediate means for restoring the lost credit of the state, and of providing for its own regular support.

But though this financial distress was the operative cause of producing the events which followed, or rather, the cause of those preliminary measures, which supplied, at once, the pretext and the means of producing them; yet, unless the public mind had been previously prepared for their reception by the writings of the philosophers, the difficulties of the government would easily have been removed, without incurring danger, and without exciting discontent. The principles which these pestiferous ministers of revolt professed and promulgated, had made considerable progress before the accession of Louis the Sixteenth to the throne; and had been duly appreciated, as well by the virtuous and intelligent father of that prince, the Dauphin of France, as by different members of the magistracy. The Dauphin truly observed of them: "Formerly the name of philosopher inspired
" veneration; but to call any one a philosopher *now*, would be an
" insult which might subject the party committing it to a prosecution."
" —I have studied them, I have examined their principles, and their
" consequences; in some of them I have discovered a spirit of liber-
" tinism and corruption, interested in decrying that morality which
" imposes a restraint on their efforts; and in casting doubts on the
" existence of a future state, the apprehension of which fills them with
" alarm: others, led away by the ridiculous vanity of erecting a
" system of their own, seek to reduce the Deity to a level with their
" own understanding, and to reason on his attributes and his mys-
" teries in the same manner in which it is permitted to reason on his
" works.

" Our new philosophers," says the Dauphin, in one of his letters, "maintain that the throne was the work of violence, and that
" what was raised by force, may, by force, be pulled down and de-

“ stroyed,—that the people can only lend, not cede, their authority,
“ which they have a right to delegate and recall, as personal interest,
“ their sole master, requires.

“ What our passions would barely insinuate, our philosophers openly
“ teach : that a prince may do whatever he *can*, and that he has dis-
“ charged his duty when he has satisfied his desires ; for, in fact, if
“ this law of interest, that is to say, if the caprice of human passions
“ should be generally adopted, so as to cause the law of God to be for-
“ gotten, then all ideas of justice and injustice, of virtue and vice, of
“ moral good and evil, would be effaced and annihilated in the mind
“ of man : thrones would totter ; subjects would become factious and
“ intractable ; and sovereigns would lose their benevolence and huma-
“ nity ; the people would be always either in a state of revolt, or in a
“ state of oppression.”*

It was impossible to describe the natural effects of these pernicious principles with greater accuracy.—The same just opinion of such writers, and of their productions, was publicly proclaimed by Mr. Seguier, an eminent magistrate, in a speech which he delivered to the parliament of Paris, in the year 1775.

“ The time is come when the clergy and magistracy should unite to
“ repel the attacks made by the hands of the impious on the throne and
“ the altar. The magistrates, while they preserve the public peace, and
“ administer justice to the people, will also enforce respect for the sa-
“ cred writings, our holy dogmas, and divine mysteries ; and the succes-
“ sors of the apostles, who are depositaries of the doctrines, and judges
“ of the faith, while they announce the word of God, and give in-
“ struction to the faithful, will render the authority of the laws
“ respected ; will maintain the people in that submission which they
“ owe to their sovereign ; and will teach them to consider the oracles
“ of justice, as a portion of the Divine Justice itself, which enforces
“ obedience to the powers which Heaven has established upon the earth.

* Vie du Dauphin, pere de Louis XVI, par M. L'Abbé Proyard ; 8vo. p. 72—74.

“ This precious harmony will soon banish, from the midst of a people who are religious and submissive, that vile heap of licentious publications, scandalous pamphlets, and impious libels, which attack both the Majesty of Heaven, and the majesty of the throne. The writers of the age, whom nothing hitherto has been able to restrain, will be alarmed at this long designed union ; they will equally dread the censures of the church, and the avenging looks of the ministers of the law. They will no longer be seen to turn into derision the sacred allegories of the Scriptures ; they will no longer amuse themselves with that copious profusion of ridicule which the frivolous gaiety of the French seizes with avidity ; which serves them as a substitute for argument ; and which, finally, will lead to the destruction of the ancient creed of our forefathers, whose simplicity was far preferable to the levity of our principles, and the looseness of our manners.

“ Impiety,” said Mr. Seguier, on another occasion, “ daily makes fresh progress. It is not thought sufficient to attack, in argumentative writings, the fundamental truths of our holy religion ;—as this kind of discussion requires knowledge, and comes not within the scope of every man’s comprehension, irreligion, ever fertile in expedients, and incredulity, which sacrifices every thing to the accomplishment of its ends, now take a shorter and an easier road. *False philosophy*, which seeks but to destroy, under pretence of instructing,—that body, ever active, though concealed, which seems only occupied in preparing, in darkness, the means of effecting a *sudden revolution, in religion, in government, and in manners* ;—that impious sect now throws off the mask, and openly presents its daring front.”

Appearances, in this case, were not deceitful ; the philosophists of that day not only *seemed* to be preparing, but actually *were* preparing, a revolution in religion, in government, and in manners ; and some of them lived to behold the blessed fruits of their pious endeavours.—But it is highly probable that their efforts would have taken much longer time to bring to maturity, if it had not been for the American war, and

its immediate consequences. The means proposed, after much deliberation, for restoring order to the finances, and for replenishing the exhausted coffers of the state, was the convention of an assembly of Notables. The last assembly of this kind, which had been convened in France, met at Paris in December, 1626, during the reign of Louis the Thirteenth, and it consisted only of the ministers of the Crown, the principal nobles of the court, the first presidents of the different parliaments, and of the chambers of accounts, and some of the dignitaries of the church. But the Notables, assembled by Louis XVI. comprehended a greater number and variety of persons, and the benevolent monarch, who had only the good of his country, and the welfare of his subjects, at heart, fondly hoped to derive from their advice and assistance the most speedy and efficacious relief. They met at Versailles, on the 22d of February, 1787, when M. de Calonne, then at the head of the Exchequer, opened to them the distressed state of the finances, and the most eligible means for remedying the evil.—He proposed an equalization of the land tax; and the removal of certain exemptions enjoyed by the nobility, the clergy, and the magistracy. But when such a proposition was submitted to nobles, magistrates, and clergy, it required but a slight knowledge of human nature to anticipate its fate. It was, of course, rejected; and the Notables, after sitting till the 25th of March, and suggesting the means of reforming some minor abuses, in the collection of the revenue, which were eagerly adopted by the King, were, on that day, dissolved by his majesty. It was, however, indispensably necessary to impose new taxes, in order to relieve the urgent distresses of the state, and an additional poll-tax, the re-establishment of the third twentieth, and a stamp duty, were the resources applied to on this occasion. The Royal Edicts, were sent, as usual, to the Parliament to be registered; but that which enforced the stamp duty was violently opposed by the magistrates, who peremptorily refused to register it; and the King was compelled to hold a bed of justice, in virtue of his absolute authority, at which he compelled them to enter it in their registers.

Louis the Fourteenth had, in the plenitude of his power, abolished the right which the Parliament of Paris had long exercised of *remon-*

strating against the edicts of the Crown, but it had been restored, in 1716, by the Regent Duke of Orleans, who wanted to conciliate the goodwill of the Parliament, and to obtain their sanction to his innovations. Not content, however, with the exercise of this right, on the present occasion, they proceeded to the adoption of a measure, most violent and unconstitutional. The day after the edict was registered, (August 7th) they entered a formal protest against its validity; and, assuming an authority superior to that of the Crown, declared that it neither ought to have, nor *should* have, any force; and that the first person who should dare attempt to give it effect, should be adjudged a traitor, and condemned to the galleys. Thus, while these champions of the law were arraigning the conduct of their Sovereign, though sanctioned by prescription, they were themselves guilty of the most illegal acts, in the assumption of the supreme power, both legislative and executive; in not only exhorting the people to disobey their lawful Monarch, but in converting their obedience into a crime, and in assigning to it a punishment, unknown to the law.—This was the signal for the manifestation of that rebellious spirit, which immediately began to display itself in the writings and conversation of the Parisians. No alternative was now left to the Crown, but to punish the Parliament, or to resign its own authority. Accordingly, every member of the parliament was sent in exile, to Troyes, in Champagne, a royal edict was published, declaring their late resolutions to be illegal and null; and a large body of troops were stationed in the metropolis, to control the licentious spirit of its inhabitants. But no steps were taken to enforce the collection of the taxes which had given rise to these measures; and the pliant temper of the King, combined with the difficulties and distress occasioned by the stoppage of all public business, induced him to recall the Parliament in the month of September. This was the beginning of those fatal concessions, which marked almost every subsequent step of this monarch's unhappy reign. Never was a prince more ill-advised. Before the obnoxious taxes had been sent to the Parliament to be registered, it should have been well considered, whether they were such as, under the peculiar circumstances of the country, ought to be levied. And if, as it is fair to presume, they so appeared to the government, they ought not to have been deterred, by the factious

opposition of the judicial courts, (for factious it was, both in language and principle) from enforcing their collection. Either, in a word, the measures should not have been adopted, or, being adopted, they should have been executed. The weakest minister might have perceived the dreadful consequences of thus compromising the regal authority, as if only to shew with what security and success it might be resisted;—a lesson which monarchs can never teach their subjects without imminent danger to themselves.

It was at this particular crisis, that the civil dissensions in Holland had risen to such a height as to call for, and justify, the decisive interference of Prussia, exerted in the manner already described. And here the ministers of France again placed their Sovereign in the most awkward predicament. It has been seen, that it had been the uniform policy of the French Cabinet to foment the divisions in Holland, and to encourage the republican party in their opposition to the Stadtholder, with a view to establish such an influence in the councils of the United Provinces, as would effectually prevent them from forming any alliance with England, and secure their attachment to, if not their dependence on, France. Not only, then, in pursuance of this system, had they been lavish in their promises of assistance to the malcontents, but had actually supplied them with officers and men, though secretly, when threatened with attack by the prince's troops.—In reprobating the treatment which the Princess of Orange had experienced, the King had only gratified his own personal feelings, and no change had taken place either in the sentiments or designs of his ministers. But the time, at length, arrived, when neither empty promises, nor secret measures, would suffice; but a strong, marked, and decisive line of conduct had become necessary;—when, in short, the King was called upon to redeem the pledge which his ministers had given.

It was not to be supposed, that Great Britain, who had so long been united, in views and interests, with the Dutch republic, and who, notwithstanding the late separation, produced by the intrigues of France, had the strongest motives for promoting a renewal of their ancient union, could view, with indifference, the internal divisions of

Holland. Sir James Harris, the British Ambassador at the Hague, had repeatedly, during the summer of 1787, intimated the wishes of his Sovereign, for the restoration of harmony; and, when the States of Zealand and Friesland had intimated their wishes, to ask the mediation of some neighbouring powers, he was ordered to make a tender of the good offices of the British Monarch, in a mediatorial capacity. The French Cabinet, fearful of losing their influence, and having all their designs frustrated, resolved, at last, to carry them into effect; and they, accordingly, caused their Sovereign to make a formal notification to the English court, on the 16th of September, (three days after the entrance of the Duke of Brunswick into the Dutch territory) of his determination to afford to the States of Holland the assistance which they had required. The English minister was at no loss for an answer, and France was accordingly informed, without hesitation or delay, that, in the event of her hostile interposition, Great Britain would take an active part in the contest; and immediate directions were issued for increasing our naval and military force. Indeed, Mr. Pitt had long resolved to support the lawful authority of the Stadtholder, as intimately connected with the interests of this country;—and a perfectly good understanding had prevailed between the two courts of St. James's and of Berlin, on the subject. This decision produced the desired effect;—France, probably from a consciousness of her inability, under existing circumstances, to engage in a new war, forbore to execute her threats, although a fleet was prepared, and an army placed in readiness for that purpose; and the French ministers again exposed the weakness of their sovereign's authority, and exhibited another instance of their own gross incapacity, in making him give a pledge which he could not redeem. That able statesman, M. de Vergennes, it should be observed, had died early in the present year, (on the 13th of February) and though he had left his principles, he had not left his abilities, to his successor, M. de Montmorin.

The Prussians, as has been seen, soon overran Holland, and put an end both to the civil war, and to the hopes of France. Indeed, the pretext itself for the interference of France was now removed, by the conduct of the States of Holland, who retracted their application for

succour, and declared there was no farther occasion for her interference. It was, with unfeigned pleasure, therefore, that the French Cabinet received a declaration (on the 27th of October) from the British ministers at Paris, in which they observed, that the events which had taken place in the republic of the United Provinces, appearing no longer to leave any subject of discussion, and still less of contest, between the two courts, they were authorized to ask, whether it was the intention of his most Christian Majesty, to carry into effect the notification made on the 16th of September, by His most Christian Majesty's minister plenipotentiary, which, by announcing that succours would be given in Holland, had occasioned the naval armaments on the part of his Britannic Majesty. If the court of Versailles were disposed to explain itself upon this subject, and upon the conduct to be adopted towards the republic, in a manner conformable to the desire which had been expressed on both sides to preserve a good understanding between the two courts; and it being also understood, that there was no view of hostility towards any quarter, in consequence of what had passed, they declared his Majesty, *always* anxious to concur in the friendly sentiments of the most Christian King, would agree with him, that the armaments, and, in general, all warlike preparations, should be discontinued on each side, and that the navies of the two nations should be again placed upon the footing of the peace establishment as it stood at the commencement of the present year.

In answer to this official notification, M. de Montmorin, again forgetful of what he owed both to his Sovereign and to himself, did not scruple to declare, that it was not, *and never had been*, the intention of his master to interfere by force in the affairs of the United Provinces; the communication made by Mr. Barthelemy having had no other object than to announce to the British court an intention, the motives of which no longer existed, especially since the King of Prussia had imparted his resolution;—he made no difficulty to declare, that his most Christian Majesty would not give any effect to his former declaration; and that he retained no hostile view towards any quarter relative to the transactions in Holland. The French minister concluded with observing, that the King, being desirous to concur with the sentiments of his

Britannic Majesty for the preservation of the good harmony between the two courts, agreed, with pleasure, that the armaments, and, in general, all warlike preparations, should be discontinued on either side ; and that the navies of the two nations should be restored to the same footing on which they stood on the first of January, 1787.

Thus ended the present disputes in Holland, and the measures to which they gave birth ; and most strange it appears, that, during the whole of these transactions, it should never once have occurred to the French ministers, that, while they were fostering the spirit of rebellion, in other countries, they encouraged its growth in their own. During this time, a war had broken out between the Turks, on the one hand, and Russia and Austria on the other ; as also between Russia, on the one hand, and Sweden and Denmark on the other. Much blood had been shed on all sides, during the campaign, while victory had, successively, declared for each party. But the account of these military transactions not being immediately connected with the affairs of Great Britain, comes not within the object of this work.

The state of Europe, however, was such as to induce the British Cabinet to call the Parliament together, at a very early period. They met on the 27th of November, when the King, in his speech from the throne, adverted to the circumstances which had occurred, since their late prorogation. Soon after that period, his Majesty observed, the situation of the United Provinces had become more critical and alarming, and the danger which threatened their constitution and independence seemed likely, in its consequence, to affect the security and interests of his own dominions.—No endeavours, he said, had been wanting on his part, to contribute, by his good offices, to the restoration of tranquillity, and the maintenance of the lawful government, and he also thought it necessary to explain his intention of counteracting all forcible interference on the part of France, in the internal affairs of the republic. Under these circumstances, the King of Prussia having taken measures to enforce his demand of satisfaction, for the insult offered to the Princess of Orange, the party which had usurped the government of Holland, applied to the most Christian

King for assistance, who notified to his Majesty his intention of granting their request. In conformity with the principle before explained, his Majesty did not hesitate, on receiving this notification, to declare, that he could not remain a quiet spectator of the armed interference of France, and he had given immediate orders for augmenting both his sea and land forces. In the course of these transactions, his Majesty informed his Parliament, he had also thought proper to conclude a treaty with the Landgrave of Hesse Cassel, for the purpose of receiving the assistance of a considerable body of troops, in case his service should require it. His Majesty then adverted to the rapid success of the Prussian troops under the conduct of the Duke of Brunswick, which had been the means of obtaining the reparation demanded by the King of Prussia, and had enabled the provinces to deliver themselves from the oppression under which they laboured, and to re-establish their lawful government;—and observed, that these happy events had removed all cause of hostility, and had led to an amicable arrangement between himself and the King of France. He expressed his satisfaction, that these important events had taken place, without disturbing his subjects in the enjoyment of the blessings of peace; and he had great pleasure in acquainting them, that he continued to receive, from all foreign powers, the fullest assurances of their pacific and friendly disposition towards Great Britain. He recommended the situation of his foreign possessions to the particular attention of Parliament, with a view to putting them in a proper state of defence; and he concluded with congratulating them on the unanimity which had prevailed, among all classes of his subjects, on the late occasion.

In fact, the nation at large, without distinction of parties, had entered fully into the motives which had influenced the minister's conduct, in relation to the affairs of Holland, and had given them their most decided approbation. Such a manifestation of genuine patriotism was highly honourable to the country, and could not have failed to invigorate her efforts, had they been called into action. Nor were these sentiments, in any degree, belied in the debate which followed the motion for an address to the Throne. On the contrary, the opinions

of those members who spoke on the subject, were in perfect unison with the best interests of the country. Lord Fielding, after expressing the most decided approbation of the conduct of ministers, on the late occasion, as far as it went, suggested a doubt, which had arisen in his own mind, whether or not they had fully availed themselves of the favourable opportunity which had presented itself, and whether they might not, and ought not, to have gone further, and done more for the security of this country, against the ambition of France. The object, his Lordship said, which he had particularly in view, was the demolition of the stupendous works that were projected and carried on at Cherburgh. He expatiated on the vast importance of these works, not only in rendering our rival more formidable in herself, but as being evidently raised from motives of hostility to this kingdom. He conceived, that as the manifest superiority of this country had put it within our power to enforce, so the great expense which we had been obliged to incur, would justify, the demand of some compensation from the French court. The object he alluded to had been shamefully overlooked, or corruptly relinquished, in the last treaty of peace; and he, therefore, entered his protest against any construction of his vote, that should pledge him to approve of the minister's conduct, if it should afterwards appear that he had again neglected this important object.

These observations could only arise from an ardent love of his country, and were therefore highly praise-worthy; though it certainly would have been an extraordinary demand, on the part of this country, to call upon France to abolish a work which she had undertaken for the purpose of supplying a defect, under which she had long laboured, and the ill consequences of which she had most severely felt; namely, the want of a port in the channel for the reception of her ships of war. That she had as much right to make a harbour at Cherburgh as we to raise fortifications at Portsmouth, could not admit of a doubt; and it would have betrayed both ignorance and arrogance in a British minister, to insist on its demolition; to say nothing of the meanness of taking advantage of the distressed situation of France, to prefer demands to which we knew she could not consent, without descending from that rank, in the scale of nations, which she was entitled to hold.

Mr. Fox also expressed approbation of the measures which had been lately pursued, and took credit to himself for his declared opinion, that this country was, at all times, deeply interested in the situation of affairs upon the continent, and ought, whenever the occasion required, to take an active and vigorous part in preserving the balance of power in Europe. This system had been ridiculed by his adversaries, upon former occasions, as wild and romantic, and he had, therefore, a peculiar satisfaction in finding it recognized in the speech from the Throne, and pursued at a time when the heavy burdens, which had been laid upon the people, made it so extremely desirable to avoid every unnecessary occasion of expense. He thought it might possibly have been better, and that the whole of the expense might have been avoided, if these principles had been earlier adopted and acted upon. Mr. Fox then proceeded to observe on the assertion in the speech, that the French King had notified his intention of assisting the usurping faction in the province of Holland; which was flatly contradicted in the counter-declaration of his most Christian Majesty, who positively denied that he ever had such intention. This matter, he conceived, required explanation; not that he had any doubt of the real designs of the French, or that he should have trusted to their declarations, had they been positively made; but on account of the contradiction implied in the two assertions. He then reminded the House how frequently he had warned them of the perfidy and treachery of France, when the commercial treaty was under discussion in the last session, and that one of the principal arguments, in support of that treaty, was drawn from the friendly disposition of that nation, and the probability of its being confirmed and perpetuated by a free commercial intercourse. Within one year, from the conclusion of this treaty, said Mr. Fox, our new friend, our faithful commercial ally, had engaged to support a party, usurpers too of the lawful government of their country, who were well known to be hostile to the essential interests of this nation.

Mr. Fox made some brief remarks on the subsidiary treaty, concluded with the Landgrave of Hesse Cassel, and on the principle of such treaties in general, which he approved, and on the intimation of

a design to increase the permanent land force of the country. He was answered by Mr. Pitt, who expressed his hearty concurrence with Mr. Fox, in his sentiments respecting continental alliances, but could not entirely agree with the doctrine which he had laid down on the subject of subsidiary treaties;—that they were only to be justified upon a supposition of their enabling this country to reduce her own military establishment, or to increase her naval force. He shewed, that the latter measure might, under many circumstances, be neither safe nor expedient; and yet, at the same time, it might be highly advantageous to have recourse to the former. The treaty with the Landgrave of Hesse Cassel, he said, had been entered into merely on the spur of the occasion, but it had since been enlarged, and put upon such a footing as would make it useful upon any further emergency.

Upon the proposed increase of the military establishment, Mr. Pitt observed, that he should always be averse from the practice of considering how far measures, proposed to be adopted, might have a tendency to justify or condemn such as had already been pursued. Such a practice would set up a dangerous influence over ministers, and might be a temptation to them to persevere in errors of their own, lest they should appear to acknowledge them; and to abandon the most prudent institutions, lest they should bear testimony to them. He, therefore, did not conceive it necessary to inquire, whether the present establishment had been too small originally, or whether it had become so from a change of circumstances; all that would be necessary for the consideration of the House was, what degree of force was actually necessary for the defence of the country. Measures of this nature were unavoidably adopted by Parliament, in a great measure, upon the credit of the executive government. They were, therefore, to be considered as the measures of ministers; and whether he had himself made the original arrangement, or had found it, as in the present case, made to his hands by a preceding administration, he should never, to avoid the acknowledgment or detection of an error, incur the guilt and danger of continuing it, after he had found it to be so. He did not hesitate to acknowledge, that the late important crisis had led him to look more carefully and minutely into the state of our several establish-

ments than he before had occasion to do ; the consequence of which was, a firm persuasion that, in the present situation of the country, they were not adequate to their object, that is, to the keeping our possessions in such a state of security as to leave no reasonable room for anxiety on their account, without appropriating to their defence that force, which, in case hostilities should, at any future period, become unavoidable, the immediate object of the war might demand.

No opposition whatever was made to the address, and the same honourable unanimity appeared in the House of Lords, where the Bishop of Llandaff justified the interference of our government in the affairs of Holland, on the ground of self-preservation ; for, said the prelate, if France had gained Holland, we had been undone. When it is said, added he, that Holland, and the other states of Europe, are independent states, the proposition is only true on a certain consideration ; for they all depend one upon another, like the links of a chain ; and it is the business of each to watch every other, lest any one become so weighty and powerful as to endanger the security, or political importance, of every other. Lord Stormont censured ministers for their implicit confidence in the friendly disposition of France, and for the tardiness of their interference to prevent a revolution in Holland.

The various declarations which had passed, during this transaction, with the account of the expenses which it occasioned, making a total of £336,751, and also the copy of a convention, explanatory of the commercial treaty with France, which had been concluded at Versailles, on the 15th of January, 1787, having been laid before Parliament, a conversation arose between Mr. Fox and Mr. Pitt, relative to the notification of the French minister, respecting his master's intention to send succours to the States of Holland, and the subsequent denial, in the counter-declaration of the court of Versailles, of all intention of hostile or forcible interference, Mr. Pitt observed, that the contradiction which appeared between these two papers, would admit of this explanation. In the notification, the King of France had not expressly declared that he would interfere in the internal concerns of

the United Provinces by force ; but that the States of Holland, having, on the approach of the Prussian army, applied to him for assistance against that armament, he had determined to afford them assistance ; a measure which, though not implying, in terms, a direct intention of using force, appeared to his Majesty's servants sufficient to justify the preparations which had been made. But this was a mere French subterfuge, for if a determination to assist, with troops, a portion of the people of a country, who are in open revolt against the lawful authorities of the state, be not a direct hostile and forcible interference in their internal concerns, it would be difficult to decide what conduct would constitute that species of interference.

The subsidiary treaty with Hesse Cassel, and the proposed augmentation of the army, to amount only to 3,064 men, gave rise to some discussion. Both measures were resisted by the leaders of Opposition, who contended, in particular, that the latter was not necessary, as the establishment fixed at the last peace was fully adequate to all purposes of national defence. Mr. Fox spoke, with great energy, against the treaty with Hesse Cassel, on the supposition that it would lead to the introduction of foreign troops into the country ;—and he thought it rather extraordinary, that the son of Lord Chatham, who had been a strenuous advocate for the militia, and for a reduced land, but a strong naval, force, should countenance the introduction of mercenary troops in preference to calling out the militia, and consent to a stipulation with France for the reduction of our navy, and then come forward with a proposition for the increase of our army.

Mr. Pitt defended the conduct of the government on the present occasion. With respect to the unlimited confidence which the House had been so zealously cautioned against reposing in ministers, he acknowledged, that the occasions for such confidence, were always to be lamented, as well by those who were to grant it, as by those who, in consequence of the grant, were obliged to take upon them a deep and extensive responsibility. That such occasions, however, might occur, he presumed would not be denied ; and he contended that the present was of that nature, since it was obvious that it would be highly

improper for him to enter into any detail respecting the defence of our distant possessions, or to proclaim in what particulars the islands were thought vulnerable, unless strengthened by an additional force.

The objections which had been made to the opinions of officers commanding in the West India Islands, had, Mr. Pitt said, proceeded upon a false supposition. Their opinion had never been asked upon the whole force necessary for the defence of all our foreign possessions, nor was it ever intended to calculate the whole with precision, by the mere addition of what was required for each part separately; but government, after having ascertained, through the knowledge and experience of those who had been on the spot, what force would be adequate to the defence of each particular island, would certainly form a general plan for the protection of the whole, with a due regard to the relative circumstances of each, and to a variety of other considerations, which it would be necessary to take into the account. And, surely, it was ridiculous to suppose, that government should be able to form a comprehensive permanent establishment for this purpose, by mere instinct, and without any previous consultation with such persons as were most able to furnish them with the information which was necessary in the detail.

The arguments derived from the late events on the continent were, he contended, inapplicable to the matter in question; since, whatever conclusion was drawn from them, the necessity of having our distant possessions, at all times, in a posture of defence, and secure against surprise, would remain the same. It had, indeed, been insinuated, that he had shewn a predilection for defending them by land, rather than by a naval force. This was an argument adapted to the prejudices, and, he was ready to admit, to the laudable prejudices of that House, but he was convinced that, upon examination, it would appear merely calculated to serve a popular turn. He should take it for granted, that the West India islands were objects of such importance to this country, as to make their security a matter of primary consideration. There were but three ways in which this could be effected; either by keeping a large stationary fleet in the West Indies;—by

sending out succours on the prospect of any rupture, or by keeping a military force upon the islands, equal to their defence, against sudden surprize. Experience had proved, that a naval force alone could not protect them, since, with a large fleet in the West Indies last war, sometimes superior to that of the enemy, the French had wrested several of the islands from us. With regard to the second expedient, to say nothing of an attack without a previous declaration of war, it might happen to be inconvenient or unsafe to detach any part of our force from Europe; and if it were not, our succours, from a variety of causes, might not arrive in time to prevent the mischief. The last, therefore, appeared clearly to him the most eligible mode of accomplishing this object, and the more so, when it was considered that, from the dispersion and distance of the islands, and the peculiarities of that climate, with respect to winds and currents, it would sometimes be absolutely impossible for a fleet to afford that speedy relief which the occasion might require, unless there was a sufficient military force upon the island to secure it from surprize.

Upon the subject of economy, he observed, that his opinions were well known upon that article, and that, from the situation which he held in his Majesty's service, no one could be more anxiously interested in it than himself. But, he maintained, that every moderate expense, by which the continuance of peace could be more firmly insured, was true economy, and the best economy which this country could pursue. It was upon this principle, and after a due consideration of the present state of our finances, that it appeared to him well worth our while to lay out £80,000 annually, the sum which the proposed augmentation would cost, for the purpose of keeping our distant possessions in such a constant posture of defence, as might deter any hostile power from attempting to wrest them by surprize from us; to act otherwise, to tempt an attack by leaving them exposed and defenceless, would be to be sparing of our wealth, and lavish of the prosperity of the British empire. In answer to some questions which had been put on the subject, Mr. Pitt observed, that it formed part of the plan of defence, for our West India colonies, to erect additional fortifications on the islands, but upon a moderate scale; a measure which had the opinions

of a board of English general officers, and the example of the most eminent French engineers, for its sanction. The expense of these would not exceed £200,000, and, as it would require many years to complete, the addition to our annual incumbrances would be so slight as to be scarcely felt. A division ensued, but the motion for granting the necessary sums, for the proposed augmentation, was carried by a majority of three to one.

[1788.] A promotion of flag officers having taken place in the navy, in which, as is very frequently the case, several captains had been passed over, and junior officers preferred to them, an attempt was made to induce the House of Commons to take cognizance of it. This interference, however, with the immediate prerogative and duty of the executive power, was strongly resisted by the minister; but, the subject being of a nature to interest the passions of individuals, most forcibly, the measure was rejected only by a small majority. This induced the persons who had brought forward the motion, to hope for success by a repetition of it, but, on a second division, the majority was greatly increased. Indeed, it is perfectly evident, that a discretionary power must, in such cases, be left to the Crown, or to its delegates, the Board of Admiralty; and that, without some specific charge of unfair or corrupt motives for the exclusion of individual officers, the interference of the House of Commons, in naval or military promotions, is, to say the least, extremely improper, and pregnant with very dangerous consequences.

Another subject of discussion arose, about the same time, which occasioned many long and warm debates in Parliament. While there was reason to dread a rupture with the court of Versailles, respecting the affairs of Holland, government had determined to send out a few additional regiments for the more effectual security of our settlements in the East Indies. The Directors of the East India Company perfectly approved of this measure, but the storm having blown over, before it was carried into effect, they changed their minds, and refused to pay the expense of sending them out, and to provide for their future maintenance. It was stipulated, by the act of 1781, that the

Company should only be obliged to pay for such troops as should be sent to India upon their requisition ;—and, in support of their refusal to pay for the troops in question, they pleaded that they had not required them to be sent. The Board of Control, however, established by the act of 1784, contended, that they were invested with a power of ordering such expense to be defrayed out of the revenues accruing from the territorial possessions of the Company, in case the Company should refuse to pay it. Several barristers, whom the Company had consulted upon the question, had declared their opinion, that the act of 1784, granted no such power to the Board of Control ; and the Directors had, in consequence of such opinion, refused to take the troops on board the ships which were then about to sail for India.

Here was an *Imperium in Imperio* indeed, and if any thing were wanting to demonstrate the necessity of some radical alteration in the government of India, this occurrence would have supplied it. The King's ministers, who must be supposed to be best acquainted with the disposition and designs of the different powers of Europe, and, consequently, best able to judge of the means requisite for the defence of all the foreign possessions of the realm, are immediately thwarted in their operations by a company of merchants,* who, without the requisite sources of information, and, consequently, without the ability to form an adequate opinion on the subject, prevent, by their own authority, these means from being carried into execution. Mr. Pitt had, himself, no doubt, that the authority, vested in the Board of Control, went to the alleged extent ; but, in order to remove the doubts which appeared to exist in the minds of others, he resolved to bring in a bill, declaring, that the intention of the legislature, in passing the bill of 1784, was to give the power claimed by the Board of Control. He observed that, though the names of several respectable barristers were subscribed to the opinion which had been given to the Court of Directors, yet he was at a loss to imagine on what principle these doubts were entertained, since, in his mind, nothing could be more clear than that there was no step that could have been taken, previous to the act of 1784, by the Court of Directors, touching the military and political concerns of India, and also the collection, management, and application of the

revenues of the territorial possessions, which the Commissioners of the Board of Control, as it was commonly called, had not now a right to take, by the powers and authorities vested in them by that act.

The same construction was put on the act of 1784, by Mr. Dundas, who was the Chairman of the Board of Control, and who contended, that if it should appear to the Board necessary, for the security of our possessions in India, to apply the whole of the revenues in India to that purpose, without leaving the Company a single rupee for their investments, they had a power so to apply them. As doubts, however, had been entertained on the existence of such power, he concurred in the propriety of passing a declaratory act. The motion, however, experienced a very strong opposition; it was first contended, that the opinion of counsel was not a sufficient ground for a declaratory act;—secondly, that the precedent was dangerous, since it might afford to ministers the means of acquiring new, under the pretext of declaring the existence of old, powers; and it was urged, that the India Company had been induced to consent to the act of 1784 upon pretences which now proved to be delusive, and that the minister, having obtained that consent, was resolved to put his own construction upon it, contrary to the original intention of the party concerned. In answer to this last argument, Mr. Pitt positively denied, that the consent of the Company had ever been formally given. They had, indeed, agreed to the general principles upon which the bill was to be formed, but it was well known that they ultimately disapproved of it.

In the progress of this bill through the House, counsel were heard at the bar, on the part of the East India Company, against it.—In the discussions which ensued, the arguments against it were pressed with great ingenuity and force;—but a new ground was taken up by Opposition, which was most untenable and indefensible; indeed, the two principal grounds were contradictory to each other. It was first maintained, that the construction now put upon the act was not the true construction, and then, allowing it to admit of that construction, it was asserted, that the powers vested in the Board of Control were injurious to the rights and interests of the Company, and of a dangerous

political nature, and, therefore, ought not to be confirmed. And this last position was strongly upholden by the very supporters of Mr. Fox's memorable bill ;—who, in order to preserve even a shew of consistency, on the present occasion, ought to have brought in a bill to repeal an act fraught with such injurious and oppressive provisions ; and not to have condemned its principles and provisions, without seeking to remove the evil by the application of a direct and positive remedy.

Another ground of opposition was also taken by some members, who were generally friendly to the measures of administration. It was contended by them, that the language of the minister, when he produced the bill of 1784, coincided most expressly with the construction now put upon it by the opponents of the present motion ; and Mr. Pulteney declared, that they supported him at the time from a persuasion that such were the intention and the meaning of the act, and that, otherwise, nothing should have induced them to vote for it ; that the construction attempted to be put upon it by the declaratory bill, made it equally obnoxious with the celebrated bill rejected by the House of Lords in 1783, with only this difference, that what the one had for its professed object openly, and without disguise, the other attempted to effect by fraud and dissimulation. Mr. Powis expressed his concurrence with these sentiments, and Mr. Baring, one of the Directors of the India Company, declared, that it was generally understood at the time, by that Board, to be utterly incapable of the unlimited construction now put upon it, and Colonel Barre declared, that, having asked one of the Directors, why they had suffered the bill to pass unresisted, and with the sanction of their concurrence, the Director had admitted with him, that the bill darkly and tacitly conveyed powers to the Board of Control, as hostile to the rights of the Company as Mr. Fox's bill, but that they had a confidence in the administration which introduced it, and had no doubt of their exercising those powers with gentleness and moderation.

As to the construction which the country gentlemen put upon the act at the time, or as to the motives which influenced their consent to

it, these did not affect the real merits of the question, nor could, for a moment, be put in competition with the declarations of those by whom the act was framed, and who must know what were its purpose and its objects. As to the communication of Colonel Barre, it absolutely falsified the assertion of those who maintained that the Directors had put a different construction upon the act, by proving that it conferred the very powers which the supporters of the declaratory bill insisted that it did confer.

Mr. Fox triumphed in the communication of Colonel Barre, because he considered it as affording a complete sanction to his own bill; upon which he contended Mr. Pitt had pronounced a perfect eulogy, by defending every principle which it contained. "It will now," says he, "no longer be clamoured through the country, that I am the violator of chartered rights, or the usurper of the power of the India Company." This was bad logic, for even admitting his premises, his conclusions were most erroneous; for certainly it did not follow that, because Mr. Pitt's bill had violated the chartered rights of the Company, and usurped their powers, his own bill had not done the same; indeed, he tacitly admitted that it had, and so falsified his own declaration.

In opposition to these arguments, it was insisted, that the express object of the act was to take the entire management of the territorial possessions, and the political government of India, out of the hands of the Company, leaving them only the direction of their commercial concerns. The Board of Control was, in future, to be responsible to the public for the prosperity, defence, and security of our Indian possessions, and was, therefore, to be invested with all the power and authority necessary for the due discharge of the important duties imposed upon it. These powers were given in general terms, and the mode of exercising them, in particular cases, was specified; in some they had a negative upon the orders of the Directors; in others, where a difference of opinion arose, it was enacted, that the Board might enforce the execution of their own; and could any man be absurd enough to imagine, that, if the Directors were at any time to fold their arms across, and remain in a state of inactivity, the Board were not

authorized and bound to issue such orders as the exigence of the case might require? In the present instance, could it be supposed, that Parliament intended to leave to the Company, who, it might be expected, from the short duration of their charter, would attend chiefly to their own pecuniary interests, the entire disposition of their revenues, without enabling the Board of Control, who were responsible for the defence and permanent security of the whole, to appropriate such part of them as should be thought necessary for those purposes?

Mr. Pitt, adverting to the reference made to his own language in 1784, denied, in the most positive manner, that he had ever given, by any declarations of his, reason to suppose, that the act was intended to bear any other construction than that for which he now contended. He particularly remembered an expression, which, though ridiculed at the time, would clearly explain the ideas which he had formed on the subject, when he termed the board of commissioners, as constituted in the bill, a board of *active control*. With respect to what might have been the intentions of other gentlemen in supporting that measure, or the expectations of the Court of Directors, he did not apprehend that the merits of the present question were at all concerned in them.

Mr. Dundas denied the admission of the Board of Control, that the act did not confer on them the power which they now claimed; and it was maintained, that they had even actually exercised it to the extent now contended for. That, particularly in the year 1785, when it was notorious that the Company's treasury in India was not only inadequate to the payment of the current demands, but scarcely contained a sufficient sum to pay the arrears of the army, the commissioners immediately sent an order for the payment of the troops, in the first instance, and to postpone all other demands. It was well known, that the army was, at that time, ripe for mutiny; and that, in all probability, such a calamity would have occurred, had not the Board of Control taken this step; a step which they could not have taken, had they not been vested with a power to apply the territorial revenues as they thought proper. In fact, such a power was indispensably necessary to be given to those who were to be responsible for the safety of India,

and without it the Board would have been a nugatory and inefficient body.

Some observations having been made, in the course of this debate, on the additional expense imposed on the Company, by sending out European troops, instead of increasing the native army, Mr. Pitt avowed his opinion of the expediency of incorporating them into one ; but that, he said, ought undoubtedly to be the King's army ; and he did not scruple to declare, that it was not without a distant view to that measure, that government were desirous of increasing the permanent establishment of the King's forces in India. As to the additional patronage which would thereby accrue to the Crown, he protested, in the most solemn manner, that his conduct was in no degree influenced by that consideration ; and said that, in order to lessen the hardships of half-pay officers in the Company's service, it was the intention of government to divide, equally, the new commissions with them ; a proposition which he hoped would not be thought unreasonable, when it was considered, that there were upwards of 2000 officers on half-pay in the King's service, many of whom had even a claim upon the East India Company, from their services in that country in the last war.

Adverting to the great constitutional question of standing armies, Mr. Pitt remarked, that there were great inaccuracies in all the existing laws relative to that subject. The Bill of Rights was not very explicit ; it scarcely stated the illegality of a standing army within the kingdom, but was totally silent with respect to the army out of the kingdom. The Mutiny Act was drawn up still more loosely ; and he hoped that one good effect attending the present discussion, would be a revision and emendation of the law upon points so deeply affecting the constitution ; and he promised his assistance and support in so necessary an undertaking.—In a word, he expressed his most earnest wishes that every guard and check which could be devised should be adopted. If any danger were to be apprehended from the bill before the House, relative either to the augmentation of the army, or the patronage of India in general, he was ready to receive any clauses that

might be offered, from whatever part of the House they might come, from whatever individual, or accompanied by whatever language they might be, for guarding against it in the most effectual manner.

Notwithstanding these explicit declarations, this manly disavowal of all sinister motives, with respect to influence and patronage, the bill continued to experience, in its various stages, the most marked opposition. Mr. Pitt, to evince the sincerity of his professions, moved for its re-commitment with a view to introduce four clauses, calculated to remove the apprehensions which had been expressed from its operation. The first of these clauses went to limit the number of forces, for the payment of which the Commissioners of the Board of Control were empowered to issue their orders to 8,045 men of his Majesty's troops, and 12,000 of the European forces in the service of the Company. The object of the second was to prevent the Board from increasing the established salary of any office in the service of the Company, unless such increase should be proposed by the Directors, and laid before both Houses of Parliament. The third was to prevent the Commissioners from ordering the payment of any extraordinary allowance to any person, on account of services performed in India, with the exceptions contained in the preceding clause. The purport of the fourth was to oblige the Directors to lay annually before Parliament, an account of the produce of all their revenues, and of their disbursements. These clauses were received without opposition, or even remark; and the bill finally passed on the 14th of March.—It was opposed in the House of Lords, on the same grounds on which it had been resisted in the Commons; but it was, nevertheless, carried, through all its stages, by a considerable majority.

Between this period and the introduction of the budget, on the 5th of May, nothing worthy of historical notice occurred. A bill was brought into the House for preventing the exportation of wool, on which a difference of opinion prevailed, and a debate, consequently, took place in the Commons, which was terminated by a short observation from Mr. Pitt, who, having noticed a few of the arguments advanced in the course of it, declared, that as it was admitted, on one hand, by

the opposers of the bill, that the wool-growers had but little advantage to expect from its rejection ; and it was contended, on the other, by the friends of the bill, that the manufacturers had much to fear ; he thought it more wise, in such a case, to go with the fears that were real, than with the hopes which were avowedly small, and therefore it appeared to him to be right to suffer the bill to be committed.—This opinion prevailed, and the bill was finally passed.

In opening the budget, Mr. Pitt stated the aggregate of the supply voted for the service of the current year to amount to £5,779,865, but in this account was included an extraordinary increase, beyond the necessary peace establishment, namely, for the navy, £446,000 ; for the army, £233,000 ; and for the ordnance, £61,000. These increased demands arose from the necessity of putting our distant possessions into a state of more complete defence, and to these were to be added several other sums, which could form no part of our settled expense,—such as those for the relief of the American loyalists, the expense of the late armament, and the money voted for the payment of the debts of the Prince of Wales. These sums, added together, amounted to £1,282,000. It had been deemed prudent to put every part of the British dominions in such a state of defence as was most likely to ensure a continuance of peace ; and, although this had been attended with an expense of £1,200,000, the receipts of the country had proved fully adequate to the support of this additional burden, and that without any encroachment on the wise system adopted by the House, for the diminution of the national debt.

In enumerating the ways and means which had been voted for defraying these expenses, it appeared that there remained a clear surplus of £27,000. The extraordinary expense was likely to continue two years longer, of course the regular peace-establishment could not take place till the expiration of that period. Mr. Pitt thought he might state the further extraordinary, for excess in the various departments of the navy, the army, and the ordnance, and, indeed, for every other article, *except one of a very material nature*, at a million, or a million and a half, and for this there were ample resources in the existing revenue.

The single exception to which Mr. Pitt adverted, was the money to be voted by way of indemnification to the American loyalists, for the losses which they had sustained from the steadiness of their attachment to their lawful Sovereign. The commissioners, appointed to ascertain the fairness and extent of these claims, had made it appear, that compensation for the property lost, already ascertained, amounted to £1,860,000; and there might yet be 2 or £300,000 to be ascertained.— Besides this loss of actual property, there were also claims for loss of office, entitled to the fair and full consideration of the House. But, stating the whole at £2,000,000 or £2,100,000, it would appear that £500,000 had been paid them, and there was still 15 or £1600,000 to be paid. The loyalists declared, that they should be well pleased to have this sum paid them by instalments, and that the payment should commence next year. And he meant to propose, that the profits of a lottery, to be established annually, until their claims were fully liquidated, should be applied to their relief. A lottery, for seven or eight years, would answer this exigency, provided that the bargains each year should be as profitable as it had been for the last, and for the present, year. He had made the bargain, on a competition among different bidders, and the profit would be about £260,000 a-year. Such was the rage and madness for this species of gambling.

The probable state of our revenue, and the certain amount of our expense, were the next points for consideration, in order to establish the grounds of confidence in the actual situation of the country. The annual million, voted for the reduction of the national debt, was, of course, to be added to the permanent expense, which Mr. Pitt stated at £15,500,000. The produce of the last year's revenue, ending the 5th of April, 1788, was £15,792,000, which was more than necessary to provide for the peace-establishment: arguing, therefore, from the experience of the preceding year, Mr. Pitt inferred the fairest ground of confidence, not only for the possession of ample funds for the liquidation of every expense, but also for carrying on the great purpose of the late arrangement, the gradual extinction of the capital of our debt. But it might possibly be contended, that to argue from the evidence of a single year, was not a fair mode of stating our situation,

and could not afford a rational ground of confidence. Mr. Pitt, however, reminded the House, that the last year had been attended with many unpropitious circumstances, particularly with an interruption of our commerce, always occasioned by an alarm of war;—but even in looking back to the average of the last three years, the calculation was strongly confirmed, though, certainly, the surplus was not so favourable. Various branches of revenue were in a progressive state of improvement, and many more were susceptible of improvement. The farming of the post-horse duty had brought an accession of £30,000 to the funds. Another, and probably very considerable, accession, would arise from some regulations which he had it in his view to propose, for preventing the frauds committed on the revenue in duties on tobacco.

The progressive improvement of a country in peace, and particularly of such a country as England, was not a subject of mere speculation. Some estimate of the extent of such improvement might be formed from the experience of four years—In the year 1783, the amount of the permanent taxes, exclusive of the land and malt tax, had been £10,184,000; whereas the permanent taxes of 1787 had produced £13,000,000, of which not more than one million and a half had accrued from new taxes. In the trade, navigation, and fisheries, the progressive improvement bore an exact proportion to the increased revenue.—In the year 1772, our imports were £14,500,000, and our exports £16,000,000. In 1787, the former were £15,800,000; and the latter, £16,600,000. It might, Mr. Pitt observed, be objected, that, in this comparative statement, the balance was against us in the latter year; but the increase of the imports arose from the increase of the home consumption of luxuries;—it proceeded from the beneficial import of raw materials used in our manufactures, and it might be considered as a very pleasing circumstance attending the increased imports, that they chiefly came from a part of our own empire—Ireland. In like manner our navigation had increased: the Newfoundland fishery, in 1773, produced 516,000 quintals, and in 1787, 732,000 quintals: in the former year, the Greenland fishery produced 27,000 and in the latter, 53,000. The southern whale fishery, a new and very

valuable branch of trade, had been equally prosperous: in 1785, it employed eighteen ships, which produced £29,000, and in 1787, thirty-eight ships, yielding £107,000. Mr. Pitt concluded his statement with observing, that he mentioned these circumstances to prove, that our improved condition proceeded from no forced revenues, but was the fair and actual result of increased commerce. A surplus had been thus ascertained, after appropriating a million to the payment of our debt. We had given great additional strength to our foreign possessions, and, in doing this, we had not overlooked that which was the favourite service at home. No less than seven millions had, in the course of four years, been expended in the improvement of our navy; and, Mr. Pitt affirmed, that it had been applied with as much fidelity, as it had been voted with judgment.—There were thirty ships of the line, and thirty-five frigates, built or repaired, more than there had been in the first four years after the peace of 1763. In addition to this, we had absolutely, and for ever, extinguished two millions and a half of debt.

An attempt was made to controvert this statement, by Mr. Sheridan, who contended that the revenue, taken upon the average of the two preceding years, instead of leaving a surplus, would be found not equal to the expenditure, and Mr. Fox condemned the mode of making an estimate, by the produce of a single year, as unfair in itself, and as contradictory to the principle of calculation advanced by Mr. Pitt himself in the preceding year.—The usual resolutions, however, were carried without a division:

The day after Mr. Pitt opened the budget, Mr. Grenville introduced a bill, of which he had given previous notice, the objects of which, and the means which he proposed for obtaining them, he briefly explained. He observed, that when the existing act, for the better regulation of the trials of controverted elections, (which had been brought into Parliament by his father) had passed, the House well knew that its great aim was to take those trials out of the hands of the House, and to place them in those of a committee, so constituted as to be most likely to do strict and impartial justice to the parties;

that had been fully answered: but the operation of the act had been attended with certain well-known inconveniences, to guard against which sufficient care had not been taken when the bill was under discussion, so much had the attention of the author been engrossed by his anxiety to achieve his main purpose. Mr. Grenville said, he had revolved in his mind the most practicable means of removing these inconveniences, and two modes had suggested themselves; but then, as these could not be effected without a very material alteration of the most essential forms prescribed by the act, he thought the House would concur with him in opinion, that it would not be prudent to attempt to meddle with the frame of a law, from the execution of which so many and such advantageous consequences had accrued. Upon mature reflection, therefore, he had determined to let the forms of the act remain undisturbed; but there were other inconveniences, which might be removed without any injury to the act. Even since the law was made, an infinite number of petitions, complaining of undue elections, had been presented in the first session of every Parliament. Many of such petitions, after having consumed a great deal of time, had proved frivolous. He therefore proposed that the committee, in such cases, should be authorized to adjudge costs, and to enforce the payment of them, against the petitioners. This was merely an act of justice, and yet such regulation would save much expense to individuals, and much time and trouble to the House. Another inconvenience, which required a remedy, was the want of a rule to establish the rights of election, to ascertain them, and to render them *immutable* in future. At present, it was no uncommon thing to have two members sitting in that House as representatives of the same borough, on different rights of election. In order to correct this evil, he proposed to annex certain provisions to his bill, which he flattered himself would answer the end proposed, and ascertain the rights of election for the future.—The bill was immediately brought in, and meeting with the unanimous concurrence of both Houses, it was speedily passed into a law.

The question of the Slave Trade had, about this time, been rendered an object of public attention, by a variety of pamphlets published

on the subject, with a view to recommend its abolition ; and petitions to the same effect had been presented to Parliament. Mr. Wilberforce had stood forward as a volunteer, in the service of the Africans ; and the discussions which had arisen had induced Mr. Pitt to recommend it to the notice of his Majesty's Privy Council, in order to examine the various facts and allegations contained in the representations, as well of the friends to the abolition of the trade, as of those who defended its expediency and justice. And, on the 9th of May, Mr. Pitt moved the following resolution in the House of Commons : " That this " House will, early in the next Session of Parliament, proceed to take " into consideration the circumstances of the Slave Trade, complained " of in the petitions presented to the House, and what may be fit to be " done thereupon." Before that time, Mr. Pitt informed the House that the inquiry instituted before the Privy Council would be brought to such a state of maturity as to make it proper that the result of it should be communicated to the House, in order to facilitate their investigation, and to enable them to proceed to a decision, founded equally upon principles of humanity, justice, and sound policy.

The examination of the matter, by the Privy Council, was strongly reprobated by Mr. Burke and Mr. Fox, both of whom insisted, that the examination of the matter of petitions, presented to the House of Commons, should rest solely with the House itself. In a conversation which ensued, Sir William Dolben called upon the House to alleviate, by some salutary legislative regulations, the sufferings of the negroes, in their passage from Africa to the West Indies ;—and, the House having expressed their concurrence with his sentiments on the subject, he afterwards brought in a bill, to fix the number of slaves which each ship in the trade should contain, according to its tonnage, to secure to them an ample supply of provisions, during their passage, and to provide other means for the better preservation of their comfort and health.—This bill, with some amendments, passed into a law.

It was soon followed by a communication (on the 8th of June) from Mr. Pitt, relative to the American loyalists, to whose case he had called the attention of the House, when he opened the budget. He

now declared his opinion, that they could not call upon the House to make compensation for their losses, as a matter of strict justice; but they, most undoubtedly, had strong claims on their generosity and compassion. In the mode, therefore, which he should propose for the final adjustment of their claims, and the various quotas of compensation to be made to the various classes of loyalists, he had adhered to this principle, rather than to any other strict claim of right.—Mr. Pitt then stated the different descriptions of loyalists who had preferred their claims before the commissioners appointed to receive and to examine them; and he divided them into four classes.—In the first class he ranked all those who had resided in America at the commencement of the war, and who, in consequence of their principles of loyalty and adherence to this country, were obliged to abandon their estates and their property in America, which were seized and confiscated by the rebels. The mode which he proposed to adopt with respect to this class of loyalists, whom he considered as having the *strongest* claims of any description of loyalists,* would be to pay those, whose claims were so small that any deductions from them would materially affect their means of subsistence, the full amount of their claims; he proposed, therefore, that all such loyalists should receive the full amount of their losses, when those losses did not exceed the sum of ten thousand pounds, and should also receive, where the amount of their losses should exceed ten thousand pounds, and be not above thirty-five thousand pounds in the whole, ninety per cent. of such part as should exceed ten thousand pounds; and, where the losses should be between thirty-five thousand and fifty thousand pounds, eighty-five per cent. on all above ten thousand pounds; and, where the losses should be above fifty thousand pounds, eighty per cent. above ten thousand pounds. He

* Mr. Pitt was here wrong in his conclusion; for although those men who abandoned their property, and their home, from loyalty to their Sovereign, and from a *sense of their duty*, had very strong, and even irresistible, claims upon their country, yet they could not be said to have *stronger* claims than those loyalists, who, steady to their principles, remained at home, to oppose the rebels with their voice, their influence, and their arms;—consequently, they could not have “the *strongest* claims of any description of loyalists.”—To put an analogous case, it may be asked, which, in the event of the restoration of the Bourbons to the throne of France, would have been most deserving of reward, the Marquis de Bouille, or M. de Charette?

assigned, as a reason for proposing that the fifteen per cent should be deducted from the excess only of the claims of the loyalists over and above the first ten thousand pounds, that, if such a rule were not laid down, and the fifteen per cent. were deducted from the first ten thousand pounds, it might happen that those claimants, whose claims amounted to a trifling sum above ten thousand pounds, would receive a less compensation than those whose claims, though they did not amount to quite ten thousand pounds, amounted to very near that sum.

The next class of claimants included those who, having resided in England during the war, had exhibited claims on the score of the loss of property in America. These certainly had not the same merit as the former class, because they could not pretend that they had been driven from America, but had made their option; and it was natural to suppose, that they chose that which, in point of advantage and satisfaction, was the best for themselves. At the same time, however, that this remark was necessary, he was far from thinking, that because they chose to remain in England, and protect their property here, they were not intitled to expect some compensation from that House for the loss of their property in America. They undoubtedly were, and he should propose, in like manner, as he had proposed with respect to the former class, that all the claimants of this second description; whose claims did not amount to ten thousand pounds, should be paid in full; but that, from all those whose claims were between ten thousand and thirty thousand, a deduction should be made of twenty per cent. and a further additional deduction of twenty per cent. in progression, upon every additional fifty thousand claimed. Applying this scale to the case of Mr. Harford, (the son of Lord Baltimore) which was, as it stood liquidated by the Commissioners, two hundred and ten thousand pounds, the sum to be paid to him, after the several deductions, would be found to be fifty thousand pounds, which, considering all the circumstances of the case, appeared to him a very handsome compensation for that House to make. But Mr. Harford, he understood, had two other claims upon America, for debts of ten thousand pounds each. He meant, therefore, that he should receive the full amount of those sums.

The next class of claimants were those loyalists, who, having either enjoyed places, or exercised professions in America, had, by their being driven away in consequence of their loyalty to this country, lost their incomes. With regard to these, it was to be considered, that, though they had been driven from America, they were able to obtain fresh incomes in this country, by the exercise of their talents and industry in different ways; he should not, therefore, propose to give them equal incomes to those of which they had been deprived, by way of pension, but he was of opinion, that they would be liberally treated, if all who had lost incomes of no more than four hundred a-year were put on half-pay; and others, whose incomes in America had amounted higher, (and some, he said, amounted to fifteen hundred pounds a-year, and one as high as three thousand) should receive forty pounds upon every hundred of such income above four hundred pounds, where the value did not exceed fifteen hundred, and where it did exceed that sum, then thirty pounds for every hundred above four hundred pounds.

Mr. Pitt further proposed to pay the whole of the claims of persons who had property in West Florida, which had been lost by the peace to which that House had acceded. Having explained these several points, and stated, that the total amount of claims was between two and three millions, exclusive of the sums which had been already paid, at different periods, he said he should move a general resolution for the amount of that sum to be issued in debentures, bearing three and a half per cent. interest, which would, he thought, be nearly equal to a ready-money payment; and he had, before, suggested the expediency of paying the whole sum, by instalments, by means of a lottery. That, however, was matter for future consideration, and he, therefore, only moved at present, "That £1,228,239 should be voted "to the several American claimants for losses, &c.; and £113,952 "14s. 0 $\frac{1}{4}$ d. to the Florida claimants." These propositions met with the universal approbation of the House; but, on the suggestion of Sir Matthew White Ridley, Mr. Fox, and Mr. Windham, the compensation to Mr. Harford was altered from fifty thousand to seventy thousand pounds.

While the House of Commons had been engaged in these wise, just, and politic measures of relief, in favour of a very deserving, but unfortunate, class of subjects, the trial of Mr. Hastings, whose impeachment had been voted in the preceding session, had been begun, in Westminster Hall. Early in December, the Lords had transmitted to the Commons the answer of Mr. Hastings, to the charges preferred against him; and, on the motion of Mr. Burke, it had been referred to a Committee, of which it was proposed that Mr. Francis should be a member. On this proposition a division ensued, when twenty-three members only voted for it, and ninety-seven against it. This rejection of Mr. Francis drew some strong expressions of regret and disappointment from Mr. Burke, who most earnestly conjured the House to reconsider their decision. On a subsequent day, Mr. Fox pressed this point with his usual animation, and exerted all the powers of his eloquence to induce them to appoint Mr. Francis a member of the Committee. He was supported by Mr. Windham, and, from the great pains taken by all the leaders of the party, by all those who had been active in promoting the prosecution, to carry this question, it was evident that they considered the assistance of Mr. Francis as very material to the success of the cause in which they had embarked; though it was by no means clear to others, on what grounds their conclusion was formed. These gentlemen represented the conduct of the members who had opposed the prosecution itself, in resisting the appointment of Mr. Francis, as perfectly natural, but insinuated, that members who had encouraged and assisted the impeachment, must have some extraordinary motives for adopting a similar line of conduct. This insinuation called up Mr. Pitt, who, most truly, contended, that the present was not a question of argument, but a question of feeling. It was not necessary to scrutinize what were the feelings of gentlemen on the other side; but, in return, they were entitled to the enjoyment of their own feelings undisturbed; and if gentlemen did feel that there was an impropriety in choosing a certain member to represent the House of Commons in the prosecution of their impeachment, was it, therefore, to be imputed to them, that they were slack in the prosecution, or that they were desirous to crush it? Might it not be fairly said, that, in their earnestness for the success of their

impeachment, they chose to take from it every appearance of improper motives ; and that, in order to prevent even a suspicion of the existence of any such motives, they had declined to appoint, as their representative, the only person in the House who had, upon a former occasion, been concerned in a personal contest with Mr. Hastings. The argument, that the prosecution would be injured by the absence of Mr. Francis, could not, for a moment, be justly entertained. To look at the abilities of the gentlemen who were to manage the prosecution, was sufficient to inspire the House with confidence ; and besides, Mr. Francis was still at hand, and, in addition to all the materials with which he had already furnished them, could be consulted, or even examined at the bar. They had only lost his eloquence, of which, most certainly, they stood not in need. Mr. Grenville supported Mr. Pitt, and was followed by Mr. Francis, who entered into a long vindication of his own conduct and motives, and into a history of his duel with Mr. Hastings, which he characterized as a personal quarrel on a public ground ; disclaiming, at the same time, all private animosity against Mr. Hastings. This explanation, however, did not induce the House to alter their opinion, for Mr. Francis was, a *third time*, rejected by one hundred and twenty-two votes against sixty. It is, indeed difficult to account for the imprudence displayed in pressing the House to adopt a measure which it had rejected twice before, by considerable majorities.—The question, too, appears to be such as could give rise to no difference of opinion among men who, unswayed by partiality or prejudice, had no particular purpose to answer. Every honourable and feeling mind, unbiassed by private considerations, must revolt with indignation, from the idea of placing a man in the situation of a jurymen, or of a prosecutor, on the trial of another with whom he had had a personal dispute, of a nature so serious as to be settled only by an appeal to the *lex ultima regum*,—the sword. If such an objection were to be urged against a jurymen, in any court of law, no attempt would be made to overrule it. It implies, indeed, the grossest ignorance of human nature, to suppose that a man, however honourable his mind, and however upright his intentions, can so far master his feelings, as to view and to judge with the same impartiality, the conduct of a person whose life he has

sought, on account of some real or supposed injury, done by him to his character, with which he can decide on the merits or demerits of another, with whom he has had no dispute or difference whatever. The distinction attempted to be drawn, in the present instance, between a quarrel on *public*, and a quarrel on *private*, grounds, was neither solid nor specious; because the *effects*, as far as they regarded the question under discussion, were precisely the same; and the sense which the majority of the House expressed on the business, was, assuredly, the sense of the nation at large.

The Lords sat in Westminster Hall thirty-five days, on the trial of Mr. Hastings, during which time much eloquence had been displayed, and many witnesses examined, but little progress was made in the charges, only two of which the managers had gone through, when the court adjourned, on the 15th of June, to the first Tuesday after the next meeting of Parliament. During the trial, a motion was made in the House of Commons, by Mr. Burgess, which occasioned a good deal of discussion. Its object was to obtain an account of the expenses already incurred by the impeachment of Mr. Hastings. The account having been presented, was found to amount to £4,300, (previous to the 9th of May) but the particular items of expense not being specified, Mr. Burgess moved for such an account as should contain them. This motion being supported by Mr. Pitt, produced some strong manifestations of discontent from the managers, who insinuated, that his support proceeded from a secret desire to thwart the very measure which he had affected to promote. The motion was carried, and the account produced, but as, even now, it did not appear sufficiently specific, Mr. Burgess farther moved, that the solicitors should give in an account, stating, specifically, to whom, and on what account, the several sums expended had been paid. The managers resisted the motion on the ground of its tendency to produce a disclosure of circumstances which the House had judged it wise to confine to the knowledge of a secret committee. But Mr. Pitt declared, that he thought it right that the House should have the account moved for, because, if they should be of opinion that the services already ordered were unnecessary, they would have it in their power to direct that no

more such services should take place in future, and that power rested with the House wholly, and could not be exercised by the Board of Treasury. As to the charges already incurred, he was far from suggesting that any had been ordered which were unnecessary, or that any expense would be too great, which was really calculated to promote the object in view. On a division this motion also was carried. Some farther discussion afterwards ensued on the subject, but it led to the adoption of no new measure.

A motion too, was made by Sir Gilbert Elliot, for impeaching Sir Elijah Impey, on six different charges of cruel, oppressive, and illegal conduct, in his judicial capacity in India; but it was rejected, on a division, by a majority of eighteen.

Mr. Pitt, meanwhile, had not been inattentive to the affairs of the Continent, nor had he neglected to improve the advantage which his country had obtained, by the fortunate termination of the disputes in Holland. He availed himself of this opportunity, without loss of time, to renew and to strengthen the friendly connection and intercourse, which had formerly subsisted between the two countries; and for this purpose, a treaty of defensive alliance was concluded at the Hague, at the latter end of April. This treaty stated, that the mutual and sincere friendship which had so long subsisted between the contracting parties, having been increased and strengthened by the interest which the King of Great Britain had lately manifested in the preservation of the independence of the republic, and of its legal constitution, they had resolved, in order to cement, in the most lasting and solid manner, the good harmony, confidence, and correspondence between them, to form permanent engagements, by a treaty of defensive alliance, for the good of both parties, and for the maintenance of the general tranquillity, as well as of their own in particular. The treaty contained a mutual guarantee of the integrity of the dominions of the contracting parties, and a promise of assistance, in land and sea forces, in case of attack; and the King farther guaranteed the existing form of government in Holland, and the constitutional character, rights, and offices of the Stadtholder. It was also agreed, that, in the event of

the two countries being engaged in a war with a third, they should neither of them make a peace without the consent of the other.* In short, the treaty was, in all respects, calculated to destroy the French ascendancy in Holland, and to restore that influence which the British government formerly possessed in the councils of the Hague.

In pursuance of the same wise system, from which such happy results had already accrued, Mr. Pitt hastened to confirm our alliance with the Prussian monarch. Sir James Harris, (now Lord Malmesbury) who had negotiated the treaty with the Dutch, was also entrusted with this important mission, which he executed with his usual ability. A provisional treaty was first signed at Loo, on the 15th of June, and this was followed by a treaty of defensive alliance, concluded at Berlin, on the 13th of August. Here, too, as in the former treaty with the Dutch, the contracting parties guaranteed to each other their respective possessions, and engaged to supply succours in the event of an attack ; and, in case of necessity, to assist the party attacked with their whole force. They also engaged to act, at all times, in concert, and with mutual confidence, for maintaining the security, independence, and government of the republic of the United Provinces, conformably to the engagements which they had, respectively, contracted with the said republic ; and even to employ their whole forces for that purpose, should events render it necessary.†

The minister, having thus provided, as far as was practicable, for the preservation of that balance of power which is so essential to the protection of small states, surrounded by jealous and formidable neighbours, and having gone through the necessary business of the Session, the Parliament was prorogued, on the eleventh of July, by a speech from the Throne, in which his Majesty, adverting to the treaties recently concluded, observed, that his object in entering into them was to secure to his subjects a continuance of the blessings of peace ; and expressed his hope, that they would be productive of the happiest consequences, in promoting the security and welfare of his own dominions, and in contributing to the general tranquillity of Europe.

* See Appendix C.

† See Appendix D.

CHAPTER XI.

Affairs of France—Weak and Impolitic Conduct of the French Ministers—Powers of the Parliaments—defined by Louis the Sixteenth—Their opposition to the King—Their illegal pretensions—Beneficial plan of the Ministry—frustrated by the Parliament of Paris—Bed of justice at Versailles—The Nobility and Clergy support the Parliament against their Sovereign—Domestic Concerns—The King's Illness—Parliament assemble—Adjourn for a fortnight—General summons of the members ordered—Examination of the King's Physicians by the Privy Council—their re-examination by a Committee of the House of Commons—Mr. Pitt proposes to appoint a Committee to search for precedents—Opposed by Mr. Fox, who asserts the Prince's *Right* to the Regency—The Claim of Right resisted by Mr. Pitt, who insists on the necessity of a formal decision on the subject by Parliament—Supported by Mr. Fox—Debates on the same question in the House of Lords—Explanatory speech of Mr. Fox—answered by Mr. Pitt, who states the outline of his proposed plan for the Regency—Mr. Pitt's Conduct justified—Proceedings in the House of Lords—Speech of the Duke of York deprecating the discussion of the question of Right—Debate, in the Commons, on the question of Right, and on the plan of the Regency—Mr. Pitt's Speech on the subject—Asserts the Right of Parliament to appoint a Regent, and to define his powers—Controverts the principles advanced by Lord Loughborough—Moves Three Resolutions—Lord North moves an Amendment—reprobates the alleged right of Parliament, as a violation of the Constitution, and refers to the Revolution for a precedent—Reflections on his speech, and the applicability of his precedent examined—Smollet's Comments on the proceedings in 1688.—His notions of the Constitution proved to be erroneous and absurd—Plan of proceeding proposed, different from the plans suggested by either party—Able Speech of Mr. Fox—defends himself against the charge of Inconsistency—Mr. Pitt's reply—Lord North's Motion negatived by the House—and Mr. Pitt's Resolutions carried—Further Debates—Mr. Fox examines the applicability of the precedent of the Revolution to the case of the Regency—Is answered by Mr. Pitt—The Solicitor-General asserts the Right claimed for the Prince to be illegal—Mr. Fox urges a strong objection to the proposed plan of Proceeding—Majority of seventy-three in favour of Mr. Pitt's propositions—Discussions in the House of Lords—Resolutions carried by a large Majority—Mr. Pitt communicates his plan of the Regency to the Prince of Wales, in a letter, in obedience to the Prince's commands—The Prince's answer—Observations thereon.

[1788.] During this year, the domestic concerns of the French nation began to attract the serious attention of all Europe, and to assume a gloomy and portentous aspect. It has been seen that the King, and his ministers, had betrayed a want of decision which was peculiarly calculated to lessen the dignity of the Crown, and to curtail the power

of the Sovereign.—They possessed the courage to enforce the most rigorous acts of authority, but they wanted the resolution to abide by their consequences. When the Parliament had refused to register the financial edicts, respecting the Land Tax and Stamp Duty, the King had recourse to a measure, sanctioned by the prescription of ages, in holding a bed of justice, and in ordering the edicts to be registered in his presence. The protest of the Parliament against this proceeding was, in fact, an invasion of the established law of the realm, and their denunciation of punishment, against all who should obey the edicts, was an assumption of the supreme power, both legislative and executive, which amounted to an act of rebellion. It was the duty of the ministers to represent it to the nation as such, and, as such, to inflict punishment on the authors of it. Instead of which, they gave a sanction to the proceeding, by a cowardly compromise, and by relinquishing the edicts themselves. Hence the public were, naturally enough, led to conclude, that the Parliament were right, and that their Sovereign was wrong; and this notion tended, very materially, to destroy that extreme respect, amounting almost to veneration, for the royal authority, and for the person of the King, by which the people of France had, for centuries, been particularly distinguished.

The power and jurisdiction of the French Parliaments had varied, at different periods of the monarchy, and had never been defined with precision. The proper province of their members was that of judges: in all matters of law, they had both an original and an appellant jurisdiction, as well in civil as in criminal cases; and there was no appeal from their decisions but to the King in Council.—They had, always, however, claimed, and generally exercised, the right of remonstrance against edicts, which they were ordered to register; and they had, sometimes, even refused to register them. In the reign of *Charles the Ninth*, they had acted much in the same manner in which they acted in the year 1787. They then refused to register an edict, for extending toleration to the Protestants, and denounced the punishment of *Death* upon all who should presume to exercise the privileges which that edict conferred. But the interposition of the royal authority crashed their opposition, and compelled the registry of the edict. Louis

the Sixteenth had, on his accession, adopted a measure of great wisdom in respect of the Parliament, the object of which was to define the boundaries of their authority. When he came to the Throne, he found them in a state of exile, to which they had been consigned by his predecessor: in compliance with the dictates of a heart ever prone to acts of benevolence and mercy, he very soon recalled them: and, shortly after, held a bed of justice, at Paris, at which he commanded an *ordinance* to be registered, containing, in sixty articles, rules and directions for the conduct and government of the Parliament, whose power and pretensions it confined within very narrow limits; the members were forbidden to transmit any remonstrance or *arret*, concerning such affairs as might be submitted to their consideration, to any other Parliaments, except in the cases specified in the ordinance: they were enjoined never to relinquish the administration of public justice, except in cases of absolute necessity, for which the first president was made responsible to the King; resignations, the result of premeditation, were declared to incur the penalty of forfeiture, and the guilt of petty treason;—and, in such cases, the Grand Council might replace the Parliament, without any new edict for the purpose. They were still, however, allowed to enjoy the right of remonstrance, previous to the registry of any edict or letters patent, which they might conceive to be injurious to the welfare of the people, provided they preserved, in their representations, the respect which was due to the Throne. But the repetition of such remonstrances was expressly forbidden; and the Parliament, if their remonstrances should prove ineffectual, were bound to register the edict to which they had objected, within a month, at farthest, from the first day of its publication. They were strictly prohibited from issuing any *arret* which could tend to excite trouble, or, in any manner, retard the execution of the King's ordinances; and they were assured, by the King, at the conclusion of this code, that so long as they kept within the prescribed limits, and made no attempt to extend their power, they might depend upon his favour and protection.

Against this edict, which thus became as much a law as any other law of the realm, no protest was entered by the Parliament, nor did

they pretend that it infringed, in any respect, on their constitutional rights. Yet, in less than thirteen years after its legal promulgation, did these magistrates, these guardians of the law, act in direct violation of its spirit, and its letter. In consequence of their refusal to register two edicts, (one for a loan of eighteen millions, and the other for taking off some few of the restrictions under which *Protestants* had long laboured) even in the King's presence, who had repaired to the *Palais*, for the purpose of having them registered, two of their members, Monsieur Fretcau, and the Abbé Sabatairre, had been arrested, under the authority of *Lettres de Cachet*, and sent to distant prisons : and the Duke of Orleans, who was present, and took the lead in opposition to the King, was banished to one of his country seats. This act of unseasonable severity, exercised too in a most objectionable manner, afforded the Parliament one of those opportunities, of which they were ever most anxious to avail themselves, of justifying their own conduct, and of arraigining that of their Sovereign. They accordingly drew up an address, couched in very strong terms, which they presented to the King. In this address they pronounced *Lettres de Cachet* to be instruments of despotism, unknown to the law, and utterly subversive of the liberty of the subject. So far they were right.—The use of these letters was certainly not sanctioned by any *ordinance or edict* ; but, by long custom, they had, unfortunately, become a part of the *Lex non Scripta*, or *Common-law* of the land. They had been most prodigally used, and for the most tyrannical purposes, in the preceding reigns ; but Louis the Sixteenth had scarcely ever had recourse to them ; and when he had, it had been, chiefly, at the request of some head of a family, who had a profligate son, of debauched principles, leading a vicious course of life, and wasting his patrimony in every species of dissipation ;—and so little objection to them did the magistrates entertain, that they had themselves, very frequently, solicited the King to issue them.—Still there can be no doubt that the existence of such authority in the King was fatal to the freedom of the subject, since it gave the Sovereign an absolute power over the person of every individual in the kingdom. The nature and tendency of these engines of oppression had been fully discussed since the accession of Louis the Sixteenth to the Throne.—They had been frequently attacked, with

great force, in the eloquent pleadings of Target, and in the law-writings of Elie de Beaumont, as well as by the able pens of Mirabeau, and the President du Paty. But, indeed, it required neither eloquence nor ability to render them odious in the eyes of men who were subject to their operation. The true question, however, in the present instance, was not, whether they were injurious to liberty or not, but whether they were not sufficiently sanctioned, by prescription, to justify the King in using them.—But this was almost the *only* point to which the Parliament forbore to direct their attention: they asserted, indeed, in general terms, that personal security was solemnly promised by the laws, and due to every Frenchman by the principles of the constitution; but they never specified any law in support of the assertion, nor explained those principles of the constitution to which they so confidently referred, nor yet indicated where they were to be found, nor when they were established.—In other respects, their address was highly disrespectful, and even insulting.—The King, in his answer, asserted his right, and forbade them to repeat such conduct, or to present any such addresses in future.

This prohibition had no effect on the Parliament, who continued to debate, to resolve, and to circulate their resolutions, which were admirably formed to work upon the passions of the people. Indeed, from their whole conduct, at this period, it was perfectly clear that they meant to oppose their own power to that of the Sovereign,—in other words, to rival their King; and were weak enough to imagine that they could engage the multitude in their cause; while they had not the sense to perceive, that, by weakening the bonds of authority, and by destroying that respect which the people had been accustomed to entertain for their superiors, they necessarily paved the way for their own ruin. Their conduct too, was most factious, and utterly without excuse; for they knew that the distresses of the government were so great that its ordinary operations were suspended from want of money; and yet they refused to register edicts which were indispensably necessary to remove this distress, though totally unobjectionable in their nature.—In short, if they had wished to produce a rebellion, they could not possibly have adopted more efficacious means for the purpose.

During this contest, between the King and the Parliament, the ministers were employed in devising remedies for some of the existing abuses: M. de Lamoignon, the keeper of the seals, had formed an admirable plan for reforming the civil and criminal justice of the country, which, indeed, stood in great need of a radical reform.—The edict for extending certain indulgences to the Protestants was, at the same time, revived; and was, at length, registered by the Parliament, in the month of January.—In short, the disposition now displayed by the King and his ministers was such, that, had the Parliament, instead of thwarting all their measures, acted honestly in conjunction with them, as it was both their interest and their duty to do, there can be no doubt that many important concessions might have been obtained, favourable to the liberty of the subject, and many salutary laws passed for the promotion of the national prosperity and happiness. But the Parliament seemed to have very different objects in view; and, as if vain of the part which they were playing, in maintaining a controversy with the King, they published remonstrance after remonstrance, and address after address. In the month of April they presented one of these, in which they charged the King with having established a despotic government, on the ruin of popular freedom; they plainly told him, that his Parliament could never allow one act of arbitrary power (alluding to the imprisonment of the two members) to destroy the essential rights which his subjects had enjoyed for thirteen hundred years;—they asserted, that public liberty was attacked in its very principles; that despotism was substituted for the law of the land; that the privileges of magistracy were violated, and Parliament made the mere instrument of arbitrary power.—They contended that, according to the principles of the constitution, the King's edicts could not become laws, until they had been freely and fully discussed by the Parliament; and, after such discussion, registered by them.—According to this system, the King had only the power of proposing laws, while the right of confirmation, and rejection, rested exclusively with the Parliament;—of course the Parliament were superior to the King, as it was their fiat which made the law. They affected to quote history in support of this monstrous assumption; but, without recurring to the primitive ages, for the source of regal or of parliamentary

authority, it is sufficient to know, that the constant practice of the two last centuries afforded the most complete contradiction to all their averments. The King had no difficulty in confuting such untenable positions, and in proving that the authority claimed by the Parliament was wholly foreign from the purpose of their institution. Anxious, however, to rid himself of this vexatious opposition, he concurred, with his Ministers, in the formation of a plan for defining the power of the Parliament, and for altering the whole administration of justice throughout his extensive empire. For this purpose it was proposed to establish a number of grand bailiwicks, in every part of the kingdom, who were to take cognizance of all ordinary law-suits;—and to create a great council of state and government, under the title of *Cour Plénier*e, which was to be exclusively entrusted with the privilege of registering all the ordinances and edicts of the Crown, and to be invested with such powers, and with such functions, as would reduce the members of the Parliaments to their proper characters, as judges*. It was intended that this supreme court should be composed of princes of the blood, and peers of the realm; great officers of state; clergy; mareschals of France; governors of provinces; knights of the different orders; members of the council; one member of each parliament in the kingdom, and two from the chambers of accounts and aids.—The members were to be chosen by the King, but were to hold their places for life.

This extensive project was reduced into order, and sent to the royal press, at Paris, to be printed, previous to the intended communication of it by the King to his Parliament.—The utmost secrecy was observed, and the printing office was surrounded by guards. But M. D'Epresmenil, an active and enterprising member of the Parliament, found the means to corrupt some of the printers, by a bribe of five hundred pounds, and so to obtain a copy of the new Code†. In consequence

* “ The Parliament acknowledged, in the fifteenth century, that their only right was that of trying causes: they had no right to take cognizance of matters of finance, of government, or of war.”—Introduction to the *Moniteur*, p. 38, under the head, Parliaments.

† Histoire de la Revolution, &c. par deux amis de la liberté, tom. i. p. 44. Note.

of this discovery, a meeting of the Parliament was convened on the third of May, at which nine strong resolutions were entered into, expressive of their determination to resist every attempt at innovation, and to defend their own rights and privileges. They also contended, that neither the King nor themselves had any right to levy subsidies or to impose taxes, such right being exclusively vested in the nation, represented by the States General, duly convened.

Nothing could shew the violence and folly of these men more plainly than this last preposterous assertion ;—because the States General had not been convened since the beginning of the preceding century, and yet, from that period to the present time, the King had constantly exercised the right of levying taxes on his subjects ; and the Parliament had registered those taxes.—It would have been but decent in the Parliament to wait for the King's communication of the new project, before they entered their protest against it ; but this did not suit their purpose ; they wished to irritate the people against the court ; and they were careless of the means by which that wish was to be gratified. The King, meanwhile, incensed, and justly incensed, at their proceedings, issued an order for arresting M. D'Epresmenil and M. de Monsambert, who had taken an active part in the business. Indeed, when it is considered that the former of these magistrates had acted the dishonest part of bribing a man to commit a gross breach of trust, it must be admitted that he was deserving of punishment. After some trouble and delay they were both arrested, and committed to different prisons. This measure supplied the Parliament with a fresh pretext for remonstrating with their Sovereign, and a deputation was appointed for that purpose ; but the King refused to admit them, and they returned to Paris without fulfilling their commission.

On the 8th of May the King held a bed^e of justice, at Versailles, at which his new plan of reform was read. It contained a great number of articles, and filled six large pages, very closely printed, and in a small letter. Many of the provisions were excellent, and the whole was calculated to produce a very essential improvement in the administration of civil and criminal justice. The King made a long speech,

declaratory of his motives, in bringing forward this project, and of his anxious wishes to promote the happiness and welfare of his subjects. The ordinances were then registered, and all the Parliaments in the kingdom were strictly forbidden, both generally and individually, to assemble or deliberate, on any affair, public or private, until the King's pleasure was further known ; his Majesty declaring that, in the mean time, he would take the necessary steps for carrying the new ordinances into effect.—The members of the Parliament, who had attended this bed of justice, received special orders to remain at Versailles, and to be present at the first sitting of the plenary court on the following day ;—but, previous to their attendance, they entered a protest against the measure, in which they declared, that they had only been led to attend, from *passive obedience* to the orders of their Sovereign ; and that their presence must not be considered as any proof of their acquiescence or consent, to the formation of the plenary court, of which their oaths, their duty, and their fidelity to the service of the King, rendered it impossible for them to become members*.

The Parliament were now too much accustomed to brave the royal authority to be deterred, by any prohibition, from pursuing the dictates of their own inclination. In contempt, therefore, of the King's order, they met, and drew up further protests in a similar spirit and strain to their former publications ; they attacked the new plan of reform as destructive of the fundamental principles of the French monarchy ; and expressed their determination to resist all attempts at innovation. It was certainly their *interest* to oppose the establishment of the new court, because it would, of necessity, abridge their privileges, and curtail their emoluments ; but it is equally clear, that the nation would have derived material benefit from the whole of the plan, which was well framed for the purpose of remedying many of the numerous abuses which existed in the administration of justice. To avert the effects of their opposition, the King issued orders to the Governor of Paris, to take possession of the *palace*, in which the Parliament held their meetings, with a military force, and to prevent the members

* Ibidem, p. 112.

from assembling. And the same measure of suspension was enforced, at the same time, against every other Parliament in the kingdom.

But the various publications of the Parliament, which had been circulated with incredible industry, had so far produced the desired effect, as to throw almost every class of the community into a ferment, and as to excite a very general discontent at the new plan of judicial reform. Even the nobility and clergy espoused the part of the Parliament, and presented addresses to the King, calling upon him to forego his intentions, and to abandon his projects.—Indeed, it seemed as if every description of his subjects had forsaken their Sovereign, and that, while they opposed every plan of relief or reform, which he, or his ministers, could devise, they suggested nothing in their place, but left him to struggle with his difficulties as he could. This desertion of the two first orders of the state must have convinced the King that his situation was critical, if not perilous.—Meanwhile, the most audacious libels were publicly distributed in the metropolis, replete with the most seditious invectives. The mildest monarch that had ever swayed the sceptre of France, was daringly stigmatised as a tyrant; and the people were called upon to throw off the yoke of oppression. In short, every provocative to rebellion which the ingenious malice of Frenchmen could suggest, was employed to irritate the people against the King.—Nor were the provinces in a much better state of order and tranquillity. The spirit of sedition, to which the Parliament had given birth, was widely diffused over the land, and seemed to be the herald of approaching anarchy. The sanguine and turbulent minds of the French, rejecting all sober and temperate measures, scorned all progressive improvement, and, dissatisfied with reform, openly proclaimed the intention of subverting the government of the country. To increase the gloom and horror of the scene which now presented itself to the astonished sight, a darkness overspread the face of the earth, (in the morning of Sunday, the 9th of July,) and was followed by a dreadful tempest, which, in a few hours, rendered a fertile district of sixty square leagues a perfect desert, destroying all the fruits of the soil, and presenting the most dismal spectacle of woe and desolation that the human imagination can conceive. Its fatal ravages extended, with

more or less fury, and with occasional interruptions, over the greater part of the kingdom. It would seem as if Heaven meant to chastise the rebellious spirit which was now bursting forth, or, at least, to caution the proud and turbulent inhabitants of the land against braving the vengeance of an offended Deity.—It was not, however, received as a lesson by the people; the distress which it occasioned, instead of humbling the minds of the sufferers, only served to increase their discontent; while the bounty of the King, who spared no efforts to relieve them, did not even produce the effect of mitigating that mutinous and violent disposition which betrayed itself in every quarter.

The determined opposition which the King experienced, on all sides, operating on a disposition, unhappily for himself and his country, too prone to concession, soon induced him to abandon all his plans of judicial reform, and to submit to the shame of retracting measures which he knew to be necessary for the welfare of the nation. His retraction, however, while it lessened his authority, produced no one good effect. The nobility, the clergy, and the Parliament, whose remonstrances had extorted from their Sovereign this degrading submission, did not step forward, in any way, to relieve the extreme distress under which the government was known to labour. The King was now reduced to the necessity of giving public notice, that only a part of the demands on the Royal Treasury could be paid in cash, and that the rest must be taken in notes, payable at a year, and bearing an interest of five per cent.; which notes would be received as money in the subscription to the first new loan that should be raised.—This act of necessity created a general alarm. The run upon the Caisse d'Escomptes, was such that nothing but a Royal Edict, compelling every body to receive its notes as cash, could save it from bankruptcy.—The price of bread was nearly doubled. Persons of opulence dismissed their servants; and every symptom of extreme distress became visible.

At this crisis, the Archbishop of Sens, the prime minister, wanting both resolution to brave, and ability to avert, the coming storm, abandoned his post and fled to Italy. Thus deserted, by all whose

duty it was to support him, the King, in an unlucky moment, adopted the desperate resolution of throwing himself into the arms of the democratic party, and of recalling Mr. Neckar. This done, the Parliaments were next restored to their functions, and signalized their gratitude, by publicly committing to the flames the royal decrees by which they had been suspended, and thereby rousing the populace to deeds of violence and revolt. A new convention of the Notables was summoned to meet in November, preparatory to the assembly of the States General, whose meeting was fixed for the first of May, 1789.

While the kingdom of France was exposed to these visitations of Providence, and to these convulsions of party, the people of England were thrown into a state of alarm, by a calamity which threatened to deprive them of a Sovereign, whose signal virtues, uniformly displayed, during a reign of twenty-eight years, had endeared him to every class of his subjects. Early in October, the King's health appeared to be sensibly impaired, and, though he was sufficiently recovered to hold a levee on the twenty-fourth of that month, before its conclusion, his disorder assumed a marked character and most serious aspect. Early in November, it became generally known that it had settled in the brain, and had, consequently, rendered his Majesty incapable of exercising the royal functions. A prayer was composed, on the occasion, by the heads of the church, and a general gloom and consternation pervaded the country. Parliament, having been prorogued to the twentieth of November, it became necessary that it should meet on that day, as the Sovereign, by whom only it could be further prorogued, was not in a situation to assert his prerogative. In the meantime, the leaders of the different parties, who were materially interested in the event, assembled in the capital; and an express was dispatched to Mr. Fox, then absent on the Continent, to accelerate his return.

On the appointed day the Parliament assembled, when Mr. Pitt observed, in the House of Commons, that history supplied but few instances of such a situation as that in which they were now placed,

proceeding from the severe malady with which his Majesty was afflicted, and which rendered it impossible for his servants to receive his commands. So circumstanced, the House had not the power, nor could it have the inclination, to enter upon the discussion of public business; and it appeared, from a search into precedents, that, in situations that have the least similarity to the present, it had always been customary for them to adjourn. Mr. Pitt, therefore, proposed, (and the House unanimously agreed) to adjourn for a fortnight, observing, that should his Majesty's illness be, unhappily, protracted beyond that period, it would be necessary to enter upon business of the greatest importance, and some mode must be adopted for supplying, as far as could be done, the want of the royal presence. And, in order that the solemnity of their proceedings might be adapted to the importance of the subject by a full attendance, it was further resolved, on the motion of Mr. Pitt, that the House should be called over on the fourth of December, and that the Speaker should send circular letters to every member.

A meeting of the Privy Council was summoned for the third of December, at which a considerable number of the members of Opposition were present;—when the physicians, who had attended the King during his illness, were examined, in order to ascertain whether his Majesty was incapable of meeting his Parliament, and of attending to any sort of public business; what was the probable duration of his malady; and what the probability of a cure; his incapacity to attend to business did not admit of a doubt; but the physicians could assign no probable duration to the disorder; though they considered a cure as highly probable. These proceedings were reported to Parliament, at their meeting, after which both Houses adjourned to Monday, the eighth of December. It was then proposed, by Mr. Pitt, that a committee of twenty-one members should be appointed to examine the King's physicians themselves. The proposal was admitted, and, two days after, the committee presented their report to the House; when another committee was moved for, by the minister, to examine the journals, and report precedents of such proceedings as might have been had, in cases of the personal exercise of the royal authority being

prevented, or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same. Mr. Fox objected to this motion as nugatory, and productive of unnecessary and improper delay. Mr. Pitt himself knew, he said, that no precedent was to be found of the suspension of the executive government, during the existence of an heir apparent of full age and capacity. For his own part, he was convinced, upon the maturest consideration of the principles and practice of the constitution, and of the analogy of the common law of the land, that, whenever the Sovereign, from sickness, infirmity, or other incapacity, was unable to exercise the functions of his high office, the heir apparent, being of full age and capacity, had as clear, as express a right to assume the reins of government, and exercise the power of sovereignty, during the continuance of such incapacity, as in the case of his Majesty's natural demise. Entertaining this opinion, Mr. Fox said, he thought it candid to avow it, at the very outset of the business. That the Prince had not made this claim himself he imputed to his known moderation, and to the peculiar delicacy of his situation; but he thought that a strong reason, among others, for not wasting a moment unnecessarily, and for proceeding, with all becoming speed and diligence, to restore to the constitution the sovereign power, and the functions of the royal authority.

Mr. Pitt immediately rose to controvert this doctrine of right advanced by Mr. Fox, and observed that, whatever he might have generally thought of Mr. Fox, as to his penetration and discernment, as to his acquaintance with the laws and general history of the country, and as to his knowledge of the theory of the constitution, (however frequently he might have found occasion to differ from him in his application of it to practice) he defied all his ingenuity to support the doctrine which he had now advanced, upon any analogy of constitutional precedent, or to reconcile it to the spirit and genius of the constitution itself. That doctrine, of itself, supplied the strongest and most unanswerable reason that could possibly be assigned for the appointment of the committee. If a claim of right were intimated, even though not formally, on the part of the Prince of Wales, to assume the government of the country, it became a matter of the utmost consequence

to ascertain, from precedent and history, whether there was any foundation for such a claim, which, being admitted, would preclude the House from the possibility of all deliberation on the subject. In the mean time, he maintained, that it would appear, from every precedent, and from every page of our history, that the assertion of such a right in the Prince of Wales, or in any one else, was little less than treason to the constitution of the country. He would not then enter into a discussion of the principle, but would pledge himself to this point—that, in the case of the interruption of the personal exercise of the royal authority, without the existence of any lawful provision, previously made for carrying on the government, it belonged to the other branches of the legislature, on the part of the nation at large, whom they represented, to provide, according to their discretion, for the temporary exercise of the royal authority in the name, and on the behalf, of the Sovereign, in such a manner as they should deem requisite; and that, unless by their decision, the Prince of Wales had no right (speaking of strict right) to assume the government, more than any other individual subject of the country. What Parliament ought to determine on that subject, was a question of discretion. However strong the arguments might be in favour of the Prince of Wales, it did not affect the question of right; because neither the whole, nor any part, of the royal authority, could belong to him, in the present circumstances, unless conferred by the two Houses of Parliament. He admitted that the claim of the Prince was entitled to the most serious consideration, and thence he inferred the necessity of inquiring how the House had acted in cases of similar exigency, and what had been the opinion of Parliament on such occasions. He would not allow that no precedent analogous to an interruption of the personal exercise of the royal authority could be found;—although there might not exist a precedent of an heir apparent in a state of majority, during such an occurrence, and, in that case, he contended, that it devolved on the remaining branches of the legislature, on the part of the people of England, to exercise their discretion in providing a substitute.

From the mode in which Mr. Fox had treated the subject, Mr. Pitt

said, a new question had arisen, of greater importance even than the original question, and forming matter of necessary deliberation. The question now was, the question of their own rights ; and it was become a doubt, according to Mr. Fox's doctrine, whether they had, on this important occasion, a deliberative power. Though he waived the discussion of that momentous consideration for the present, Mr. Pitt declared, that he would, at a proper opportunity, state his reasons for advising what steps Parliament ought to take in the present critical situation of the country, contenting himself with giving his contradiction to Mr. Fox's bold assertion, and pledging himself to maintain the opposite ground against a doctrine so irreconcilable to the spirit and genius of the constitution.—He disclaimed all wish to create delay ; and asserted that no longer time had been spent, after the first day of their meeting, than was absolutely necessary to insure as full an attendance as the solemnity of the occasion required ;—every subsequent day had been spent in ascertaining the state of his Majesty's health, and now that the necessity of the case was proved, it behoved them to meet it on the surest grounds.—“ Let them proceed, then,” said Mr. Pitt, “ to learn and ascertain their own rights ; let every man in this House, and every man in the nation who may hear any report of what has passed here to-day, consider that on their future proceedings depend their own interests, and the interest and honour of a Sovereign, deservedly the idol of his people. Let the House, therefore, not rashly annihilate the authority of Parliament, in which the existence of the constitution is essentially involved.”

Mr. Fox, in reply, remarked, that the sovereignty of these kingdoms being hereditary, and no Parliament existing which could legally alter the succession, nothing but a case of necessity, which did not then exist, could justify the two Houses in assuming to themselves the right of setting aside the heir apparent from the regency, or putting the executive power into his hands with any limitations, or restrictions, imposed by their own authority. Mr. Burke indulged himself in much sarcastic remark on Mr. Pitt, whom he represented as a competitor with the Prince for the regency, and as having threatened the assertors of the Prince's right with the penalties of constructive trea-

son.—Mr. Pitt, conceiving that his declaration had been imputed merely to the warmth of debate, coolly repeated his former assertion, and declared, that he was still ready to maintain, that it was little less than treason to the constitution, to assert that the Prince of Wales had a claim to the exercise of the sovereign power, during the interruption of the personal authority of his Majesty, by infirmity, and in his lifetime ; and to this asseveration should he adhere, because he considered such a claim as superseding the deliberative power and discretion of the two existing branches of the legislature.—And, when he had said that the Prince of Wales had no more right to urge such a claim than any other individual subject, he appealed to the House upon the decency with which Mr. Burke had charged him with standing forth as the competitor of his Royal Highness. At that period of our history, when our constitution was settled on the foundation on which it still stood, when Mr. Somers, and other great men, declared, that no person had a right to the crown, independent of the two Houses of Parliament, would it, he asked, have been thought either fair or decent for any member of either House to pronounce Mr. Somers a personal competitor with King William ?

Here the conversation ended, and the Committee was appointed, indiscriminately, from both sides of the House.—But the question started by Mr. Fox had an important effect on the subsequent proceedings, and, in fact, defeated the very object for which it is supposed to have been brought forward, since it created a greater delay than could otherwise have occurred, and, probably, was the ultimate cause of preventing the establishment of a regency, before the recovery of the King. It was, indeed, a question of vital importance, which struck at the very root of the proceedings. If the right contended for by Mr. Fox had a real existence, it precluded, of course, the exercise of any discretion, on the part of the two Houses of Parliament, and left nothing for them to do but to ascertain the fact of the King's incapacity, and to communicate the same to the Prince.—It was, therefore, essentially necessary that, before any farther proceedings were had on the subject, the two Houses should fully discuss the question of right, and come to a solemn decision, as a regulator of their own

conduct, on the present occasion, and as a guide to future legislators, under similar circumstances. If the right existed, an attempt of either House to impose restrictions on the person in whom it was legally vested, would be an act of usurpation; the right must carry the sovereignty with it, and the Prince would be, to all intents and purposes, King, during the incapacity of his father.—But if it did not exist, and the two Houses had the power of appointing the Regent, they had also the power of imposing such restrictions as the peculiar nature of the case might seem to prescribe. They might consider whether a person, exercising the authority of a Regent during the life of the King, should be entrusted with the same extensive powers which the constitution had wisely deemed necessary to be vested in the Sovereign; or whether it would be wise and expedient to confer only such portions of power as would be necessary for the good government of the country, during the *temporary* suspension of the exercise of sovereignty by the King himself. All the regulations to be enforced, must, of necessity, have reference to a *temporary* government; for, if no hope of the King's recovery were entertained, and it was the opinion of his physicians that his disorder would only end with his life, then all restrictions would be impolitic and unjust;—though, even then, the grand question of right would retain its whole importance, and call imperatively for decision.

On the following day, a similar committee was appointed in the Lords, on the motion of Earl Camden, (President of the Council) who took the opportunity of condemning the doctrine advanced by Mr. Fox, that, on the event of his Majesty's incapacity, the Prince of Wales had an immediate right to assume the exercise of the sovereign power, which he pronounced to be treasonable to the constitution; and his Lordship asserted, on the contrary, that the right and duty of supplying the existing deficiency in the sovereign power, belonged, solely and entirely, to the two remaining branches of the legislature. The assertion of Mr. Fox, however, was as strongly defended by Lord Loughborough, who insisted upon the practical absurdity of having an hereditary succession to the monarchy, and an elective regency; and he was supported in his argument by Lords Stormont and Porchester;

while the asserted right was resisted by the Chancellor and Earl Stanhope. This glaring difference of opinion, on a point of so much importance, between the first lawyers in the kingdom, rendered it politically impossible to leave the question afloat, and to abstain from coming to a solemn adjudication on the subject.

It was not to be supposed that a man of Mr. Fox's political knowledge and importance, however he might have secretly censured himself for mooted the question, after the turn which it had taken, would either retract what he had advanced, or abstain, when pressed, from the defence of his doctrine. When the report of the Committee of Precedents was brought up, on the 12th of December, and was moved, by Mr. Pitt, to be taken into consideration on the Thursday following, (December 16th) by a Committee of the whole House, Mr. Fox rose to justify himself against certain misrepresentations to which he stated himself to have been subjected. He had been made to assert (alluding to Lord Camden's speech of the preceding day) that the Prince of Wales had a right to assume the royal authority, upon the interruption of its exercise, in consequence of the King's illness and incapacity: but he now explained his real meaning to have been, and he was still ready to maintain it, that the claim, as of right, was in the Prince, but that the adjudication of the possession was in the two Houses of Parliament.—Their right of election he positively denied, and he conceived there was a clear distinction between that and the right of adjudication. He attempted to illustrate this distinction by putting the case of contested returns of members, in which the right of adjudication belonged to the committee above stairs, but the right of the person declared duly returned to his seat in Parliament was derived from another authority,—the right of election in his constituents. Mr. Fox, however, expressed his satisfaction at finding, that even they who denied the strict *right*, admitted that the Prince had an irresistible *claim* to the Regency; and as they agreed in substance, he thought they ought, in prudence, to waive the discussion of new and equivocal distinctions. He then called on Mr. Pitt to explain the nature of the propositions which he meant to submit to the House, in respect to the regency; and declared it to be his own opinion, that the House ought

simply, to present a declaration, or address, to the Prince, stating the fact of his Majesty's present incapacity, and investing his Royal Highness, during its existence, with the full exercise of all the royal powers, in the same manner, and to the same extent, in which they would be possessed by his Majesty, and exercised by him, had his health enabled him to discharge the functions of sovereignty.

This declaration was perfectly consistent with Mr. Fox's opinion of the right of the Prince; and, indeed, the measure he recommended was the only measure which the House could, admitting the justice and validity of that opinion, pursue, without a gross violation of propriety and of duty. But Mr. Pitt was prepared to impeach the premises on which his rival founded his conclusions; and he, accordingly, declared himself at issue with Mr. Fox, on the question as last stated by that gentleman,—namely, that the Prince of Wales had a right to exercise the royal authority, under the existing circumstances of the country; but that it was a right not in possession, until the Prince could exercise it on, what Mr. Fox called, the adjudication of Parliament. He, on his part, denied that the Prince of Wales had *any right whatever*; and that issue must, in his opinion, be decided, before they could proceed one step further in the great and important considerations to be discussed and determined. He inferred, from a part of Mr. Fox's speech, that he meant to contend, that the Prince had a right to assume the exercise of the sovereign authority, under such circumstances as those under which they then acted, even without the adjudication of Parliament, if it should happen that Parliament was not sitting at the time; in contradiction to which he advanced his own opinion, that the Prince of Wales could not, in any one case, have a right to assume the regal power. If there were no Parliament in existence, he granted that the heir apparent, acting in concert with other persons in high situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the exigency. Such a proceeding would be justified by the necessity of the case, and with a view to the safety of the nation, which superseded all forms; but, that it would be a legal and formal summons of the Parliament, or that a Parliament could be called

together without legal authority, he must absolutely deny. Such a meeting would be a convention, like to that assembled at the time of the abdication of James the Second, and in other periods of difficulty ; but it could not be a legal and formal calling together of a Parliament. As to the question of the assumption of the power, by the Prince of Wales, during the intermission of Parliament, and his right, not in possession, as it was called, during the sitting of Parliament, he need not much rest upon the distinction, denying, as he did, that any right to assume the regal authority, under any circumstances, independent of the consent and approbation of Parliament, existed in the Prince of Wales. But, supposing the right of assumption of royalty given up altogether, and that the Prince must have the right adjudged by Parliament, he denied that they were canvassing a right, and acting as judges, as Mr. Fox's sentiments so manifestly intimated. It was subversive of the principles of the constitution to admit, that the Prince of Wales might seat himself on the throne, during the lifetime of his father ; and the intimation of the existence of such a right, as he had formerly remarked, presented a question of much greater importance than the present exigency, and the provision which it necessarily required ;—a question which involved the principles of the constitution, the protection, and security of our liberties, and the safety of the state.

As to what Mr. Fox called the right of adjudication, as vested in Parliament, the expression was accurate, as applied to one point ; namely, the determination of the King's incapacity ; which must be the consequence of previous examination ; the course of proceeding, necessarily to be observed, in that case, would be, first, to hear witnesses as to the state of the King's health, and then, from their evidence, to form a judgment as to his capacity to exercise the supreme power. Their right to do this might, with propriety, be termed the right of adjudication ; in other words, the right of determining whether the King was incapable or not. But there was no right of adjudication, according to Mr. Fox's argument, existing in the Parliament, in respect to the regency. Their address, or declaration to the Prince, after they had *adjudged* the incapacity, would not be an act of discretion, but an act of duty, consequently, a *ministerial*, and not a

judicial, act. And here lay the grand difference between Mr. Pitt and Mr. Fox; the former contending that the conferring the regency on the Prince was a judicial act, and the latter, that it was a ministerial act.

Mr. Pitt, considering this as a question of primary importance, expressed his hope that it would be the unanimous opinion of the House, that the *right* which had been asserted should not be admitted without being fully discussed, and formally decided. It was a question which shook the foundation of the constitution, and, upon the decision of which, all that was dear to us as Britons depended. In his opinion, therefore, it was their first duty to decide, whether there was any right in the Prince of Wales to claim the exercise of the regal power, under any circumstances of the country, independent of the actual demise of the Crown. In the discussion of the powers with which the Regent was to be invested, there might be differences of opinion, whether the whole of the royal authority should be delegated on the ground of expediency; or, whether a portion of it only should be delegated, and a part reserved, on the grounds of prudence and discretion. These were important topics which the House could not discuss, unless they first knew whether they were sitting as judges, or as a House of Parliament, possessing a power of deliberation, and capable of exercising a constitutional discretion. They must first ascertain, whether that which should be vested in the hands of the Prince of Wales was matter of adjudication on their part, of right in his Royal Highness, or as a trust in behalf, and in the name, of his Majesty; and, therefore, he should think it his duty to bring forward the question of right, as a preliminary question. If that question should be decided in the affirmative, there would be no need of specific measures. Should it, however, be otherwise decided, the way would be cleared, and the House would know how to proceed. He had, indeed, mentioned the alternative, but Heaven forbid that the fatal alternative should be decided in favour of the intimated right of the Prince of Wales.

In answer to the call of Mr. Fox to state his intended measures of regulation, Mr. Pitt said, that if the question of right should be de-

cided, as he thought it would, on constitutional principles, he should, in that case, certainly proceed to propose measures for providing for the interruption of the royal authority, occasioned by his Majesty's present incapacity to exercise it, and he would state the outline, without feeling any prejudice against the person who had called for it; but he begged to have it understood, that what he was about to state was not to be a matter of debate at that moment, nor were any arguments then to be raised upon it. Mr. Pitt proceeded to declare, that, however decided his opinion might be against the whole, or any part, of the royal power being vested in the Prince of Wales, as a matter of right, in any way in which that right had been explained, he was equally ready to say, that, as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that this person should be the Prince of Wales. That he also thought it most consistent with true constitutional principles, and most for the public convenience, that his Royal Highness should exercise that portion of authority, whatever it might be, unfettered by any permanent council, and with the free choice of his political servants. As to the portion of authority so to be vested, he could only declare, in general, that whatever authority was necessary for carrying on the public business with vigour and dispatch, and for providing, during this interval, for the safety and interests of the country, ought to be given; but, on the other hand, any authority, not necessary for these purposes, and capable of being, by possibility, employed in any way which might tend to embarrass the exercise of the King's lawful authority, when he should be able to resume it into his own hands, ought to be withholden; because, from its being given, more inconvenience might arise to the future interests both of the people and of the Crown, than any which could arise, in the mean time, from its temporary suspension.

Mr. Pitt justified the principles of this explicit declaration of his intention, on the ground, that whatever was given to the Regent, or withholden, ought to be given or withholden, with a view to the mo-

ment when his Majesty should be capable of resuming his rightful prerogatives ; a circumstance to which it peculiarly became him to look, in the situation in which he stood, honoured with the confidence of a Sovereign, to whom he was bound, and strongly attached, by the ties of gratitude and duty ;—but of that he would say no more. Whatever judgment might be formed of what he had declared, he was conscious of having given a free and an honest opinion, and he was satisfied with that consciousness.

It is evident, from some parts of this declaration, that fears had been entertained by the Prince's party, that a council of regency might be proposed, as on former occasions, at different periods of our history. They could not, therefore, but derive satisfaction from this explicit avowal of Mr. Pitt, that he had no such intention ; while, on the other hand, they were greatly displeased with his resolution to sift the question of right to the very bottom, and to suggest restrictions which might defeat the ambitious hopes, and avaricious expectations, of some among them. But, though Mr. Pitt was accused, on this occasion, of being actuated solely by a wish to create a delay, and to protract the important subject of discussion to the latest possible moment, from an eagerness to retain the power which he possessed ;—it is most certain, that every such unworthy motive was foreign from his heart. He was deeply impressed with a conviction of the importance of the question of right, and he felt it to be his duty to bring it to a solemn decision. It was, indeed, indispensably necessary, for reasons already stated, that it should be so decided before a single step was taken, beyond the examination of the physicians. Besides, it must not be forgotten, that the question was not brought forward, nor even provoked by Mr. Pitt, but that it was the spontaneous production of Mr. Fox. The delay, then, which it occasioned, all-important and beneficial as it proved in its effect, was solely imputable to the latter, and cannot, in any degree, without the most palpable violation of justice and of truth, be ascribed to the former. The Opposition, however, who deplored the indiscreet frankness of their leader, resolved, if possible, to prevent a discussion which, they were fully sensible, must, independent of the delay, prove a source

of mortification to themselves. They found means to persuade several members of the Royal Family to concur in their sentiments, and to join in their design. For this purpose, then, Earl Fitzwilliam introduced the subject to the House of Lords, on the fifteenth of December, the day preceding that which Mr. Pitt had fixed for the important debate in the House of Commons; and his Lordship, no doubt, expected, that if he could dissuade the Lords from entertaining the question, it might prove the means of preventing that debate. The Earl represented the inexpediency of promoting, under the present circumstances, the discussion of any abstract political questions, when all parties were agreed in substance; and he called upon the ministers to say, whether they meant to introduce any proposition of that nature. But the propriety of calling that an *abstract* question, which was immediately to be applied to practical purposes, and which must of necessity be the basis of all the proceedings on the business of the regency, is not very discernible. Earl Camden said, on the part of the ministers, that, as the most essential rights of the two Houses of Parliament had been questioned by persons of great and respectable authority, he thought it had become absolutely necessary that they should not be left doubtful and unsettled.

The Duke of York then expressed his full concurrence with the sentiments of Earl Fitzwilliam, and joined his Lordship in deprecating the proposed discussion. He asserted, as a fact, that no such claim of right had been made on the part of the Prince; but he studiously forbore to say that the Prince disclaimed the existence of such a right. His Royal Highness added, that he was confident the Prince understood too well the sacred principles which seated the House of Brunswick on the Throne of Great Britain, ever to assume, or exercise, any power, be his claim what it might, not derived from *the will of the people*, expressed by their Representatives and their Lordships, in Parliament assembled. The Prince could have no claim but what was derived from the laws of the realm—nor could he exercise any power which did not flow from the same source; and the laws do not proceed from *the will of the people*, but are made by the King, with the advice and consent of the two Houses of Parliament, who are the

King's great councils, and the legal representatives of the people. The existence of a right, in such cases, imposes the duty of exercising it;—and if the Prince were convinced, that the right claimed for him by Mr. Fox did really exist, and there can be no doubt that he did, it would have been as much his duty to exercise it, the moment the King's incapacity had been declared by Parliament (that is, if Parliament had not called its existence in question,) as it would have been the duty of Parliament to call upon him for that purpose. The Duke appealed strongly to the House, on the ground that the discussions could not be necessary to the present object, and would be extremely painful to the feelings of the Royal Family. The Duke of Gloucester urged the same reasons; deprecated the discussion as only tending to produce the most mischievous consequences—and asserted, that a perseverance in it could not be meant for the public good. The ministers, however, foreseeing none of those mischievous consequences, and feeling a strong sense of duty, rejected these solicitations, and remained firm to their purpose.

Mr. Pitt, accordingly, on the appointed day, (Dec. 16,) opened his propositions to the House of Commons. As it is of essential consequence to know the sentiments of so eminent a statesman, upon a question which had never yet arisen, and which Parliament were now called upon to decide, for the first time, and as that decision must be considered as a guide to posterity, on a similar exigence, should ever any such, which Heaven avert, arise, they will be detailed at considerable length. Indeed, this may be considered as an epoch in the Parliamentary life of Mr. Pitt: he had a difficult and a delicate task to perform,—and he performed it, as he did every other duty which his public character imposed upon him,—with frankness and with firmness—without fear and without disguise. He first premised, that the House were then in a committee to take into consideration the state of the nation, under circumstances the most calamitous which had befallen the country at any period; a century had passed since any point of equal importance had engaged their attention. The circumstance which had then occurred was the Revolution—between which, however, and the present case, there was a great and essential

difference. —At that time the two Houses had to provide a Sovereign for a Throne, which was then vacant by the abdication of James the Second ; at present, they had to provide for the exercise of the Royal Authority, when his Majesty's political capacity was whole and entire, and the Throne, consequently, full ; although, in fact, all the various functions of the executive government were suspended, but which suspension, they had every reason to expect, would only be temporary. There could be but one sentiment on that head ; which was, that the most sanguine of his Majesty's physicians could not effect a cure more speedily than it was the anxious wish of every man in that House and of every description of his Majesty's subjects, that it might be effected ; and that his Majesty might thence be enabled to resume the exercise of his own authority. During the temporary continuance, however, of his Majesty's malady, it was their indispensable duty to provide for the deficiency in the legislature, in order that a due regard might be had to the safety of the Crown, and to the interests of the people. The first report before the committee established the melancholy fact, which had rendered their deliberation necessary ; the second contained a collection of such precedents, selected from the history of former times, as were, in any degree, analogous to the present unfortunate situation of the country ; and, although he could not undertake to say, that still more precedents might not have been found, yet such as the report contained would serve to throw a considerable degree of light on the subject, and to point out to the House the mode of proceeding most proper to be adopted.

Notwithstanding the magnitude of the question, What provisions ought to be made for supplying the deficiency ? there was a question of a greater and still more important nature, which must be first discussed and decided, as a preliminary to their future transactions, with a view to the present exigency. This question was—whether any person had a right either to assume or to claim the exercise of the royal authority, during the infirmity and incapacity of the Sovereign ? or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the legislature, resulting from such incapacity ? Mr. Pitt referred to his statement on a former day, that, in

consequence of an assertion having been made in that House, that a right attached to his Royal Highness the Prince of Wales, as heir apparent, to exercise sovereign authority, as soon as the two Houses of Parliament declared his Majesty, from illness and indisposition, incapable of exercising his royal functions, it appeared to him to be absolutely and indispensably necessary that the question of right should be first decided by the Committee, before they took a single step to provide for the deficiency in the legislative power of the realm. By the assertion of the existence of such a right, no matter whether a right that could be assumed in the first instance, or a right which attached, after the declaration of both Houses of Parliament, that his Majesty was incapable, a doubt had been thrown upon the existence of what he had ever considered as the most sacred and important rights of the two Houses; and it became absolutely necessary for them to decide that doubt, and, by such decision, to ascertain whether they had a power to deliberate, or whether they had only to adjudge, that such a right as had been mentioned was legally vested in his Royal Highness the Prince of Wales. The most embarrassing difficulties had, indeed, been thrown upon their proceedings by the assertion that such a claim existed; and, although he was free to confess, that the assertion had not been made from any authority, and that they had since heard, though not in that House, that it was not intended that the claim should be made, yet, having been once stated, by a very respectable member of that House, as his opinion, it was an opinion of too much importance to be passed by unnoticed. He would intreat the House to remember, however, that, *he* had not stirred the question of right originally. If, therefore, any serious danger were actually to be dreaded from its discussion and decision, that danger, and its consequences, were solely imputable to the first agitator of the question, and not to him. Had the doubt never been raised, an express declaration on the subject would not have been necessary; but, as the matter stood, such a declaration must be made one way or the other. He begged, however, that it might not be imputed to him, that he was desirous of wasting time by bringing forward any abstract, or speculative, or theoretical question. An abstract question, in his conception of it, was a question wholly unnecessary, the discussion of which could answer no

end, and the decision on which could afford no light to guide and assist them in their proceedings. Of a very different nature was the question of right; it was a question that stood in the way of all subsequent proceedings, the resolving of which must necessarily decide the whole of their conduct, with regard to the present important business.—They were not free to deliberate and determine, while the doubt of an existing right, or claim, hung over their heads. They could not speak intelligibly, or to any purpose, until they knew their proper characters, and whether they were exercising their own rights for the safety of the Crown, and the interests of the people, or whether they were usurping that which had never belonged to them. On that ground it was that he had declared the question of right not to be an abstract question, a speculative question, or a theoretical question.

The first information afforded by the papers which had been referred to by the Committee, was that which he proposed to make the subject of the first resolution. It was a resolution of fact, forming the ground-work of those which he proposed to follow it, stating merely the incapacity of the King to discharge the functions of royalty. To this, he conceived, there could be no objection. His next resolution would be the resolution of right, couched partly in the words of the Bill of Rights, and stating, “That it was the right and duty of the Lords, Spiritual and Temporal, and of the House of Commons, as the rightful representatives of all the estates of the people of England, to provide for the deficiency in the legislature, by the interruption of the exercise of the royal authority, in consequence of his Majesty’s incapacity through indisposition.” Having thus stated the substance of that resolution, on which a radical difference of opinion was known to prevail, Mr. Pitt declared that, under the existing circumstances of the country, it was his firm and unalterable opinion, that it was the absolute and undeniable right of the two Houses, on the part of the people, to provide for the revival of the third branch of the legislature. He would state the point at issue, between him and Mr. Fox, fairly;—he would not take advantage of any shades of difference between them, but would argue upon the solid and substantial difference of their opinions. If he had conceived Mr. Fox properly, he had asserted that,

in his opinion, the Prince of Wales, as heir apparent, upon the incapacity of the Sovereign to exercise the royal authority being declared, had as clear, as perfect, and as indisputable a right to take upon himself the full exercise of all the authority and prerogatives of his father, as if his Majesty had undergone an actual demise. If it could be proved to exist by any precedents drawn from history, or founded in law, or by the analogy of the constitution, he wished to have been told what those precedents were, because, in that case, the ground would be narrowed, and the proceedings of the Committee rendered short and simple, as they would have no power nor occasion to deliberate; the only step they could take would be to recognise the claim of right. That claim of right, however, he flatly denied to have any existence capable of being sustained by such proof as he had mentioned. The right of providing for the deficiency of the royal authority, he contended, rested with the two remaining branches of the legislature. He professed himself extremely happy to hear that a declaration had been made, in another place, from high authority, (alluding to the Duke of York's speech, on the preceding day) that the right stated, by Mr. Fox, to have existence, was not meant to be urged by a great personage. He came that day, confirmed in every opinion which he had before avowed, and particularly so in the opinion that no such right, or claim, in the Prince of Wales, as heir apparent, to exercise the royal authority during the incapacity of the Sovereign, could be proved, either from precedents drawn from history, or from the law, or from the spirit of the constitution.

Mr. Pitt reminded the Committee that Mr. Fox, when he first mentioned the right of the Prince of Wales in this particular, had declared that he was willing to waive the motion for a Committee to search for precedents, because that he was persuaded, and that the House must allow, that no precedent could be found which bore upon the particular case of a Prince of Wales, the heir apparent of the Crown, being of full age, and capable of taking upon himself the exercise of the royal authority, under such circumstances as the present. There certainly was no case precisely in point, but yet the Committee of Precedents had furnished the House with many from which analogies might

be drawn. He called upon Mr. Fox to point out a single case, analogous to the infancy, infirmity, or illness, of a Sovereign, in which the full powers of sovereignty were exercised by any one person whatever. If the right attached to the Prince, under the present circumstances, in the same manner as on the demise of his father, an heir presumptive would succeed as perfectly as an heir apparent, and, in pursuance of that doctrine, those precedents which would attach in the one case, would attach in the other. For precedents that were analogous, he would refer the Committee to the report on their table, where precedents would be found, which, though they might not throw all the light upon the subject that could be wished, certainly tended to elucidate it considerably. He would refer to some of the precedents, and convince the House that their result formed the most undeniable proof of the non-existence of the pretended right.

The first precedent to which he referred, was taken from the reign of Edward the Third, when no heir apparent had claimed the exercise of the royal authority. The Parliament of those days, whether wisely or not was no question before the Committee, provided a council about the King's person to act for him;—a clear proof that they conceived the power existed with them to provide for the exercise of the sovereign authority.—The next precedent was in the reign of Richard the Second, when, also, counsellors were appointed to exercise the regal power.—The third precedent occurred in the infancy of Henry the Sixth: at that time the Parliament were called together, by the young King's second uncle, the first being still living, but out of the kingdom; and that act was ratified by Parliament, they not considering it sufficient to have been done by the authority of the Duke.—In that instance, again, it was clear that the regency was carried on by the Parliament. These three instances were the principal of those which were stated in the report of the Committee;—subsequent precedents would prove, that no one instance could be found of any person's having exercised the royal authority, during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made. Having thus far no-

ticed the power of Parliament, during the infancy, he next stated their power during the King's absence.

It had been asserted that, in the majority of such cases, the power had been given to the Prince of Wales.—If such cases could be adduced, Mr. Pitt admitted they would be cases in point ; but, then, to prove *what* ?—To prove that such heirs apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect, an entire, right ; a right admitting of no modification whatever ; because, if any thing short of the whole power were given, it would be less than by right could be claimed, and, consequently, an acknowledgment that no such right existed. By a reference to the ancient records it would be found, that the *custos regni*, or *lieutenant for the King*, had never been invested with the whole rights of the King himself. The powers given to the *custos regni* had been different, under different circumstances ; whence arose a plain and manifest inference, that the *custodes regni* did not hold their situation as a right, but by appointment. The power of bestowing benefices, and doing other acts of sovereignty, had been occasionally given to the *custodes regni*, which shewed that their powers had been always subject to some limitation or other. In modern times, Lords Justices had been frequently appointed to the exercise of the sovereign authority, during the residence of a Prince of age in the country. Another instance he cited, in which the exercise of royalty had been interrupted by severe illness, and which appeared to him to be more a case in point than any other to the present melancholy moment ;—this was the precedent of Henry the Sixth, where the heir apparent was not of full age. It would, then, to supply the defect of that precedent, be necessary to have recourse to the principles of the constitution, and to the laws of the land ; and, upon this ground, it would be discovered, that the Parliament of that day provided for the moment ; that they were not content with such provision only, but that they looked forward to the time when the heir apparent should be of full age, granting him a reversionary patent, the same precisely with the Regent's, to take place at that period. Thus, though they provided for allowing him, when of

age, more considerable powers than they had suffered him before to possess, they had still not granted him the full powers of sovereignty, but had made such limitations as proved their most positive denial of any right existing. That instance, though a single one, and where the heir apparent was not of age, was sufficient to shew the sense of Parliament in those days, as much as if the heir apparent had been of full age.

If no precedent, contrary to these, could be brought forward, Mr. Pitt presumed, that the Committee would, of course, admit that no right existed in an heir apparent, or an heir presumptive, to assume the functions of royalty, in the temporary incapacity of the Sovereign, nor any rights but those delegated by the two remaining branches of the legislature. He scrupled not, therefore, to declare, that no positive law, nor the least analogy from any law, could be adduced to support the doctrine of right. A record had, indeed, been quoted elsewhere, to prove that the King and heir apparent were one and the same person,* and that it followed, of course, that, on the incapacity

* Mr. Pitt here alluded to a dictum of Lord Loughborough, delivered in a speech in the House of Lords, on Thursday, December 11th, during a debate on the question of appointing a committee to search for precedents.—His Lordship then said, “That the Prince of Wales, however, stood in a different situation to every other individual, according to the constitution of this country, he would undertake, as a lawyer, to prove. Those who had read Coke, Foster, and Blackstone, knew that the Prince of Wales and the Crown, in many cases, were considered as one: the Prince of Wales, for instance, could proceed in an action and obtain judgment as King;—it was high treason to suppose the death of the heir apparent,—was it so with any other person?”

“There was a principle so closely connected with every idea which he had entertained of the constitution of the country, that he could not separate them for a moment; that was that the law had been so provident as to point out, in every possible case, except two, where the Kingly power was vested. The cases in which it did not point it out was, when the Sovereign broke the *original contract* between the King and people, invaded and overthrew the constitution, and thus abdicated the throne; and where the royal line became entirely extinct. In these cases the two Houses of Parliament had a right to supply the deficiency. In all other cases, the law, either expressly, or by the *clearest analogy*, pointed out the successor.”—*History of the Regency*, p. 38.

So clear was this analogy of the law, that the first lawyers in the kingdom not only differed in opinion respecting it, but drew the most opposite and contradictory inferences from it. Lord Loughborough was certainly an able lawyer, but his political zeal was sometimes allow-

of the King, the heir apparent had a legal and clear right immediately to exercise the same powers which the King had possessed ; but a different opinion was entertained of that record, by persons of great eminence and authority in the law, and, by their opinion, a far different conclusion was drawn from the same instrument, the metaphorical expression of which was not to be taken literally. Another opinion which had been started,* was, that, if Parliament had not been sitting, in such a case the Prince would have a right to assume the royal authority, and summon Parliament. But this position he should expressly contradict, because those who were, like him, standing up for the rights of Parliament, and, through Parliament, for the rights of the people, were peculiarly fortunate in one particular ;—they were as fortunate as most of those who had truth and justice on their side generally were, because little was left them to do, except to controvert and overcome their antagonists, by stating to them, and comparing their own arguments and assertions, made at different times, and as the occasion suited.

Mr. Pitt, still alluding to Lord Loughborough's speech, observed, that it had been pretty strenuously contended, elsewhere, by a learned Magistrate, who had chosen to force his own construction on their silence, that our ancestors, if they had entertained any doubt of the right of an heir apparent, would, in their wisdom, have provided for so possible a case as the present ; and yet, instead of leaving the interpretation of this point to that learned Lord's wisdom, it must be concluded by the Committee, that they would have provided for it, in plain, distinct, clear, and express words, and would not have left it liable to be differently understood. The wisdom of our ancestors,

ed to pervert his legal judgment. If it had been objected to his Lordship, in the present instance, that the two Houses had as much right to elect a Regent, as to place the Stadtholder of Holland upon the throne of England, it is apprehended he would have found some difficulty in confuting the objection. On the alleged occasional *identity* of the King and the Prince of Wales, Lord Thurlow pertinently asked, " Would their Lordships take a metaphorical expression, and force a literal meaning upon it? His Royal Highness the Prince, most certainly, was peculiarly distinguished, by his rank, and birth, and dignities ;—it ought, however, to be recollected, that he was, nevertheless, *a subject* !"

* By Lord Loughborough in the same debate.

however, he conceived was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it—by the two Houses of Parliament. That the Committee might assert the same, he meant to quote that doctrine from the Bill of Rights, and assert, that it rested with the Lords and Commons, as the rightful representatives of the people. If the contrary doctrine was so evident that it must be true; if the heir apparent, or the heir presumptive, had a clear right to assume the royal prerogative, on the interruption of those powers, he desired to ask every gentleman of the Committee, whether they would wish to adopt such a doctrine as a doctrine applicable to the safety of the Crown, which had been long gloriously worn by his Majesty, and which it was the ardent, the sincere, wish of his people that he might long continue to wear, until it should, in due time, and in a natural manner, descend to his legal and his illustrious successor? Mr. Pitt strongly deprecated the idea of avoiding the discussion of what limitations might be necessary for insuring the safety of the Crown, on the head of its present possessor, on account of the many virtuous qualifications of the Prince, or out of respect to any other motive whatsoever. It would not have been wisdom in our ancestors, had they said that the care of the person of the Sovereign ought to be vested in the heir apparent. “I cannot possibly apprehend,” said Mr. Pitt, “that, in expressing these sentiments, I shall be represented to the Prince, as undutiful or disrespectful. But, were I even sure that I should be so represented, I feel that within which prompts me to do what is right; and I will sacrifice every personal consideration to my zeal and attachment to my Sovereign and my duty to the public.”

Mr. Fox had said, on a former day, that the Prince had as clear a right to the exercise of the sovereign authority, as he would have had in case of the natural demise of the Sovereign, and that he conceived the present to be a *civil death*. Could the committee, Mr. Pitt asked, so consider his Majesty's indisposition, which was not an uncommon case, and generally but temporary,—could they conceive that his Majesty had undergone a *civil death*? He was sure they would not. If such a thing had existed, at that moment, as a *civil death*, the Prince

would immediately ascend the throne, with the full exercise of the royal prerogative, and not as a Regent; for a *civil death*, like a natural death, was permanent. He quoted Blackstone's definition of a civil death, to shew that there were but two cases in which it could occur;—namely, by banishment from the realm by process of common law, and by entering into a religious order, and becoming a monk professed, by which a man abstracted himself for ever from all secular concerns. The first was an act which cut off a criminal from society, within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of these cases was analogous to the visitation of Heaven, to a stroke inflicted by the hand of Providence, which might, and probably would, prove temporary? Could it be pretended, that they ought to be adduced as acts to prevent his Majesty, in future, from exercising those powers which he had never forfeited, which he had never renounced?

Having advanced thus much to prove the non-existence in the Prince of that claim of right which had been so confidently asserted, he next proceeded to examine where the right did exist. If no provision in precedent, in history, or in law, was to be found for the exercise of such authority, on the disability of the Sovereign, where was it to be found? It was to be found in the voice, in the sense of the people. With them it rested: and though, in extraordinary cases, in most countries, such an event as the calamity which all deplored would have gone near to dissolve the constitution itself, yet, in this more happily tempered form of government, equally participating the advantages, and at the same time avoiding the evils, of a democracy, an oligarchy, and an aristocracy, it would have no such effect; for, though the third estate of the legislature might be deficient, yet the organs of speech of the people remained entire in their representatives, by the House of Lords and Commons, through which the sense of the people might be taken. The Lords and Commons represented the whole estates of the people, and with them it rested as a right, a constitutional and legal right, to provide for the deficiency of the third branch of the legislature, whenever such deficiency should arise; they were the legal organs of speech for the people;—and such Mr. Pitt

conceived to be the true doctrine of the constitution. He could not state these as his own opinions merely, but he could state them to be the opinions of those who had framed the Revolution, who had not, like the committee, to provide for the interruption of regal powers, while the throne was full, but to supply the deficiency of the third branch of the legislature, which was wholly vacant. Whenever the third branch, however, of the legislature was wholly gone, or but suffered a suspension, it was equally necessary to resort to the organs of the people's speech. Agreeably to the laws of the land, to the records of Parliament, to precedent, and to the constitution, the political capacity of the King, except in cases of absolute forfeiture of the Crown, was always considered as legally entire; and, during that political capacity, according to the spirit of the constitution, if any natural incapacity should cause a suspension of the royal authority, it then rested with the remaining branches of the legislature to supply such defect. In every proceeding of the Parliament, in the reign of Henry the Sixth, they had acted upon such a power, and declared in what manner, and by whom, the royal authority was to be exercised for, and in the name of, the King. In that reign, the Duke of Gloucester claimed the regency, and applied to Parliament for the same as his right; but the answer of Parliament to such claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exercise of the royal authority. They, however, appointed him Regent, and entrusted him with the care of the young King. Here was an instance of the claim of right having been actually made, and an instance, likewise, of its having been fully decided upon by the Parliament of that day, who declared, that no such right existed, either from the law of the land, or from precedent.—The rights of Parliament were congenial with the constitution.

Mr. Pitt contended that, from every analogy which could be drawn from the principles of the constitution, it would be found that the only right existed in Parliament;—a right capable of so effectually providing for the deficiency of the third branch of the legislature as to enable them to appoint a power to give a sanction to their proceedings in the same manner as if the King were present. As the power of

filling the Throne rested with the people at the Revolution, so at the present moment, on the same principles of liberty, on the same rights of Parliament, did the providing for the deficiency rest with the people! He declared that he felt himself inadequate to the great task of stating the rights and privileges of the constitution, and of Parliament; but he had made it appear, as plainly as he could, that no right existed any where to exercise the whole, or any part, of the royal prerogatives, during the indisposition of the Sovereign. He had also proved that, from the necessity of the case, it rested with that and the other House of Parliament, to provide for the deficiency in the legislature. He supposed that doubts might be urged as to the propriety of coming to any decision on the question, and that he might be charged with having stirred notions dangerous to the state; but such questions, he begged it to be remembered, he had not stirred.—When questions concerning the rights of the people, the rights of the Parliament, and the interests of the nation, were started, it was necessary if the House had a right on the subject, to exercise ~~that~~ right; it was their duty; it was a matter that could by no means be lightly given up. If it were their duty, in the present calamitous state of the nation, to grant power, they ought to know how they granted such power. They must decide, either in the manner of a choice, or, as acting judicially, to recognize a claim of right; and if they recognize such claim, it would be an acknowledgment that they had no power to deliberate on the subject. If they did not come to some decision, they would confound their own proceedings, and it would be highly dangerous to posterity, in point of precedent. They were not, therefore, to consult their own convenience. Originally, the claim of right had been asserted by Mr. Fox, in strong and lofty terms, but the tone had been since somewhat lowered. He declared, he could see no possibility of the committee proceeding a single step farther, without knowing on what kind of ground they stood; and, therefore, it became indispensably necessary to have the question of right decided. The danger arose from having stirred the question, and not from deciding it;—the danger, indeed, would be done away by the decision; whereas it would be highly dangerous to leave it undecided and equivocal. The decision of both Houses would be productive of no dissention, but, if the right of Par-

liament were not confirmed, the measures of both Houses would be imputed, he feared, rather to motives of personal interest and convenience, than to a due regard for the interest of the country. The measures which he meant to propose were dictated by no other motive than an anxious desire, in conformity to his duty, to provide for the safety of the King, the rights of Parliament, and the interests of the people.

Towards the conclusion of his speech, Mr. Pitt again animadverted on some opinions which had been advanced in the House of Lords (by Lord Loughborough and Lord Rawdon,) in contradiction to his assertion, that the Prince of Wales had no more right to assume the regency than any other individual subject. He understood that, in arguing that matter, some very extraordinary modes of reasoning had been resorted to. Among other conceived proofs that the rights of the Prince of Wales were different from those of other subjects, it had been contended, that the Prince of Wales was, in an old record quoted by Lord Coke, pronounced one and the same with the King. The fact certainly was so; but to draw from such circumstance an argument, that the Prince had a right to exercise the royal authority, under the present circumstances of his Majesty's unfortunate incapacity, was an inference so monstrous, that he should think he deserved censure for sporting with the gravity of the House if he suffered himself to treat it with the least gravity whatsoever. In truth, a very different conclusion might be drawn from the whole of that record, the metaphorical language of which was not to be taken in a literal sense, in that or any other point of so much importance. Another position, laid down at the same time, and in the same place, was, that the Prince of Wales, as heir apparent, and being of full age, could assume the exercise of the sovereign authority, if his Majesty's infirmity had occurred when Parliament was not sitting; but that doctrine had been so expressly contradicted in that House, by Mr. Fox, when the subject was last agitated, that it was needless for him to say a syllable more relative to its nature. A third argument, urged in support of the Prince's right, was, that a Prince of Wales, when he came to the Crown, could sue out an execution, as King, in a cause in which he

had obtained a judgment as Prince of Wales. But what was there decidedly conclusive in this position? The reason for the Prince of Wales having this advantage over other subjects was obvious. If the son of a Peer, who had maintained a suit in the courts in Westminster Hall, and obtained a judgment, succeeded to his father's honours before he had issued out an execution, he could not sue out an execution, without previously identifying himself, and satisfying the court that he was the same person who had prosecuted the suit and obtained the judgment. And why was not the Prince of Wales obliged to do the same? For this plain reason;—the courts in Westminster Hall are holden in the name of the King, and therefore, in his own courts, it must be a matter of notoriety, that, on the demise of the Crown, the Prince of Wales had succeeded to it, and become King. But were these arguments even multiplied ten times over, what did they prove? Merely that the Prince had rights of some sort or other peculiar to himself; but did they prove that he had a right to exercise the sovereign authority, on his father's incapacity, without the consent and declared approbation of the two remaining branches of the legislature? No more than a proof that a man having an estate in Middlesex, was a proof that he had another in Cornwall, and a third in Yorkshire. In fact, all these arguments put together, regarded and considered with a reference to the point in dispute, whether the Prince of Wales, as heir apparent, had a right to exercise the sovereign authority, during the incapacity of his Majesty, were so irrelevant, so foreign to the question, and so perfectly absurd, that they were not to be relied on as law, even if they came from the mouth of a judge.

Mr. Pitt closed a most eloquent and argumentative speech with reminding the House, that if they had a right, they had also a duty;—a duty which neither their allegiance nor their affection to their Sovereign would allow them to waive. It was their duty, at this time, not only unequivocally to declare their right, so that it might remain ascertained, beyond the possibility of all question hereafter, and become secured to posterity, but to proceed, without delay, to exercise their right, and provide the means of supplying the defect of the personal exercise of the royal authority, arising from his Majesty's in-

disposition. Upon no account did it appear probable, that their decision could either occasion a dissention between the two Houses of Parliament, or produce mischievous consequences of any kind whatsoever. On the contrary, if the right were not declared, as well as decided, it would appear, that the two Houses had made a compromise unbecoming themselves, and had acted upon personal motives, rather than from a due regard to the interests of their country. He then read the following resolutions:

First. "That it is the opinion of this committee, that his Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the royal authority is thereby, for the present, interrupted.

Second. "That it is the opinion of this committee, that it is the right and duty of the Lords, Spiritual and Temporal, and Commons, of Great Britain, now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require.

Resolved, "That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary that the said Lords, Spiritual and Temporal, and Commons, of Great Britain, should determine on the means whereby the royal assent may be given in Parliament, to such bills as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the Crown, in the name, and on the behalf, of the King, during the continuance of his Majesty's present indisposition."

The first resolution, merely declaratory of a matter of fact, passed, of course, without opposition or debate; but a long discussion ensued on the second, which was opened by Lord North, who moved, as an amendment, "that the chairman leave the chair, report progress, and

ask leave to sit again." His Lordship did not attempt to confute, or even to combat, the arguments of Mr. Pitt, on the question of right ;—but contented himself with deprecating the discussion ; with denying the power of the two Houses, to proceed in the way proposed ; and with insisting on the necessity of calling on the Prince of Wales, in the first instance, to take the regency upon himself. Sitting, as the House then was, he said, they had no more authority than a convention possessed. They ought, therefore, strictly to confine themselves to the necessity of the case, and not to go one step beyond it. The project for passing a bill he described as a direct violation of the fundamental principles of the constitution. What right had the House, or the two Houses, to make laws ? To pass a bill was to do an act of legislation, and to assume powers that did not belong to them ; powers which the constitution had placed in the hands of the King, Lords, and Commons, in Parliament assembled, and in their hands only. Their road, he said, was easy and short ; they should proceed directly to nominate a Regent, and then, when the third branch was restored, and the legislature was complete, they would become a Parliament, perfect in all its constitutional form, and they might legally pass any laws of limitation, restriction, or of any other kind. But to attempt to proceed otherwise was to trench on the prerogatives of the Crown, while they lay at their mercy. They had a precedent, he maintained, strictly in point ; a precedent on which the stability of our happy constitution rested. At the Revolution, the vacancy of the throne was declared, and the two Houses immediately restored the regal power, and so rendered the legislature complete.

The powers of Parliament were certainly very accurately described by Lord North ;—or, to speak more properly, *their want of power to make laws*. That they have no such power is a fact that requires no argument to prove. The King alone can make laws, with the advice and consent of the two houses of Parliament. But here, as at the Revolution, they had only a choice of difficulties, and were to make the necessity of the case the rule of their conduct. The law had not foreseen the case of an *abdication* ; nor had it specifically provided for the exercise of the Supreme power, during the temporary incapacity of the

Sovereign. There was no *law*, therefore, to guide the Parliament in their proceedings. At the *Revolution*, much greater irregularities, much wider departures from the settled law of the realm, marked the conduct of the parties by whom it was effected, than those to which Mr. Pitt had recourse in the present instance. No maxim of law is so clear, that “none can begin, continue, or dissolve, the Parliament, but by the King’s authority.”* Yet, at the Revolution, a meeting was called, possessing no legal character or denomination, which, in conjunction with a number of peers and bishops, addressed the Prince of Orange to assume the prerogative of the King, without his power, character, or title, and to summon a Parliament, or *convention*, as it was called. This *convention* passed a *bill*,† in which they settled the Crown on the Prince and Princess of Orange. The sole administration to remain in the Prince, although it might have been truly said that the Prince of Orange had no more *right* to the throne of England, than any one of its numerous inhabitants. The Prince, now rendered King by this bill, gave to the assembly, which had hitherto been called a *convention*, the title of Parliament.‡ It is impossible to conceive greater

* Coke upon Littleton, 110. a Co. 4. Inst. F. 6 and 28.

† Hume’s History of England, vol. viii. p. 319.

‡ An historian of the last century has made some pertinent and forcible observations on this curious measure of King William’s cabinet.

“The first resolution taken in the new council was to convert the convention into a Parliament, that the new settlement might be strengthened by a legal sanction, which was now supposed to be wanting, as the assembly had not been convoked by the King’s writ of summons.—The experiment of a new election was deemed too hazardous, therefore the council determined that the King should, *by virtue of his own authority*, change the convention into a Parliament, by going to the House of Peers, with the usual state of a Sovereign, and pronouncing a speech from the throne to both houses.”

So that this convention, which was able to alter the line of succession, to transfer the Crown from the legitimate heir to another Prince, to give, in short, a new Sovereign to the people of England, was not considered, by some of its own leading members, by the very men even by whose advice it had been called, with a view to those high and special purposes as capable of legally passing a common turnpike bill!—Into such gross inconsistencies and absurdities are statesmen betrayed, when, either by choice or necessity, they are led to stray from the beaten path of the law; when they are induced to depart from the plain principles of the constitution!—The historian, in a note, subjoins the following animadversions on this transaction.

“This expedient was attended with an insurmountable absurdity. If the majority of the

deviations from the established principles, as well as from the settled practice, of the constitution, than were manifested on this occasion. The two Houses though not summoned by a King, and, consequently, not legally summoned, exercised the highest functions of a legislature,

convention could not grant a legal sanction to the establishment they had made, they could never invest the Prince of Orange with a just right to ascend the throne; for they could not give what they had no right to bestow; and if he ascended the throne without a just title, he 'could have no right to sanctify that assembly to which he owed his elevation. When the people are obliged, by tyranny or other accidents, to have recourse to the first principle of society, namely, their own preservation, in electing a new Sovereign, it will deserve consideration, whether that choice is to be effected by the majority of a Parliament which has been dissolved," (and which, of course, is no more a Parliament than an assembly of individuals, taken indiscriminately, out of the streets, but, both in law and in fact, a mere *caput mortuum*, without political life, power, or faculties, to do any one legal act) "or by any Parliament whatsoever, or by the body of the nation assembled in communities, corporations, by tribes, or centuries, to signify their assent or dissent, with respect to the person proposed as their Sovereign. This kind of election might be attended with great inconvenience and difficulty, but these cannot possibly be avoided when the constitution is dissolved by setting aside the lineal succession to the throne. The constitution of England is founded on a Parliament, consisting of King, Lords and Commons; but when there is no longer a King, the Parliament is defective, and the constitution impaired; the members of the Lower House are the representatives of the people, expressly chosen to maintain the constitution in church and state, and *sworn to support the rights of the Crown*, as well as the liberties of the nation; but, though they are elected to maintain, they have no power to alter, the constitution. When the King forfeits the allegiance of his subjects, and it becomes necessary to dethrone him, the power of so doing cannot possibly reside in the representatives who are chosen, under certain limitations, for the purposes of a legislature which no longer exists; their power is, of course, at an end, and they are reduced to a level with other individuals that constitute the community. The right of altering the constitution, therefore, or of deviating from the established practice of inheritance, in regard to the succession of the Crown, is inherent in the body of the people, and every individual has an equal right to his share in the general determination, whether his opinion be signified *vivâ voce*, or by a representative whom he appoints and instructs for that purpose. It may be suggested, that the Prince of Orange was raised to the throne without any convulsion, or any such difficulties and inconveniences as we have affirmed to be the necessary consequences of a measure of that nature. To this remark we answer, that, since the Revolution, these kingdoms have been divided and harassed by violent and implacable factions, that eagerly seek the destruction of each other: that they have been exposed to plots, conspiracies, insurrections, civil wars, and successive rebellions, which have not been defeated and quelled without vast effusion of blood, infinite mischief, calamity, and expense to the nation: that they are still subjected to all those alarms and dangers which are engendered by a disputed title to the throne, and the efforts of an artful pretender; that they are necessarily wedded to the affairs

by giving a Sovereign to the people.—Their proceedings were justified by the necessity of the case, and by that alone. In the present melancholy instance of the King's incapacity, it was not necessary to make such violent inroads on regular modes of conduct and proceed-

of the Continent, and their interest sacrificed to foreign connections, from which they can never be disengaged. Perhaps all these calamities might have been prevented by the interposition of the Prince of Orange. King James, without forfeiting the crown, might have been laid under such restrictions that it would not have been in his power to tyrannize over his subjects, either in spirituals or temporals. The power of the militia might have been vested in the two Houses of Parliament, as well as the nomination of persons to fill the great offices of the church and state, and superintend the economy of the administration, in the application of the public money; a law might have passed for annual Parliaments, and the King might have been deprived of his power to convoke, adjourn, prorogue, and dissolve them at his pleasure. Had these measures been taken, the King might have been absolutely disabled from employing either force or corruption in the prosecution of arbitrary designs, and the people must have been fairly represented in a rotation of Parliaments, where power and influence would have been but of one year's duration."

Smollet's Continuation of Hume's History, vol. i. p. 7—9.

This note is not quoted from an approbation of all the notions and principles which it contains, many of which are open to considerable objections; but on account of the author's accuracy, in his ideas of the powers of the convention, which raised King William to the throne. And his arguments on that subject, it is apprehended, would puzzle the whigs, both ancient and modern, who, indeed, if they were consistent with their own principles, would be obliged to acknowledge their force. But every stage of the proceedings on the Revolution was marked by an accumulation of absurdities. When the King, by his fiat, had converted the convention into a Parliament, a bill was brought in, and passed into a law, by which the Lords and Commons, assembled at Westminster, were declared to be the two Houses of Parliament, to all intents and purposes. Now, putting the positive law of the land out of the question, which says that no Parliament can be legal which is not called together by the King's authority;—the very declaration itself proves the contrary of what it asserts; for if they really were the two Houses of Parliament, there could be no need of a law to make, or to declare, them such;—and if they were not, the law itself could not be valid, for they had not that character which the constitution requires, to enable them to give their advice and consent to a law. "The King is armed with divers councils, of which the court of Parliament is the highest and most transcendent, consisting of the King's most excellent Majesty, sitting there as supreme head, in his royal politic capacity, and of three estates, the Lords spiritual, the Lords temporal, and the Commons of the realm, the calling and assembling of which three estates is a part of the supreme power, or regal prerogative, inseparably annexed to the sacred person of the King, on whose royal pleasure, as the convoking, so the appointment of time and place for the holding of Parliaments, their prorogation, continuation, dissolution do solely depend." *Droit le Roy, &c. 1764, p. 36.* But the

ings, in respect to the government. The Parliament had met in consequence of having been legally summoned by the lawful King, and the two Houses fully represented the three estates of the people of the realm;—so far all was regular; but, beyond this, their conduct could

abdication being once declared, the constitution might be considered as in *abeyance*, until the settlement of the Crown was finally made; and the *necessity* created by the occasion, and strengthened by the wish to preserve, as far as possible, the *forms* of the constitution, when the *substance* had in one essential point at least, been violated, led to those inconsistencies and incongruities which mark the councils of that period.

In arguing the strict question of *right*, in the event of what has been called a dissolution of the compact, implied, if not expressed, between the King and his people, Smollett is correct; but if the succession were to be provided for only by a reference to the individual voice of the people, a measure which never was, and never could be, enforced,—it would remain unsettled for ever, and anarchy must inevitably ensue. As to the *inconveniences and difficulties* of such a reference, which, he says, cannot possibly be avoided; the very event which gave rise to his animadversions, demonstrates the possibility of the thing, notwithstanding the insufficient reasons which he has assigned, with a view to elude the force of this inference. His notions of the constitution are very loose and incorrect. “The constitution of England is founded on a Parliament consisting of King, Lords, and Commons; but when there is no longer a King, the Parliament is defective, and the constitution impaired.” The *foundation* of a fabric must, of necessity, subsist previous to the *superstructure*;—but the *monarchy* of England subsisted *before* the two Houses of Parliament, which did not give rise to, but grew out of, it. The constitution is not *parliamentary* but *monarchial*. The Parliament is defective, not only when there is no King, but when there are no Lords or no Commons; the absence of any one part renders it defective. If the constitution were *founded* on a Parliament, remove the basis, and the superstructure must necessarily fall; but the *monarchial* constitution of England is found to exist in full vigour when the Parliament is prorogued, or even dissolved.—The *right* of altering the constitution, by which is evidently meant the right to change its form and substance, as *inherent in the body of the people*, is a fictitious right, existing no where, and incapable of being exercised by *the people*, properly so called, if it did exist. The historian’s notable scheme for limiting the power of James the Second, so as to prevent him from invading the rights of his subjects, or the constitution of the realm, would produce a total subversion of the constitution, which would, from the instant of its adoption, cease to be a monarchy. But there is little doubt that the Prince of Orange might, had he been so disposed, have brought about an accommodation between the King and the nation; and the effect which the historian proposes to produce by the *destruction* of the constitution, (of which the two Houses would, then, form, not merely the basis, but the body and head also) might have been produced, by means perfectly constitutional, by stipulating for the King’s consent to the Declaration of Rights, and to all those other preservative measures which the convention exacted from William himself. To these, James certainly would, and indeed must, have acceded; and it would have been very easy to add to them a penalty which would have ef-

only be regulated by the same *principle* which influenced the conduct of the convention in 1688. Lord North seems to have admitted the right of the Parliament to *nominate* a Regent ; and, surely upon the very precedent to which he referred, they must have had a right to impose *restrictions* on the Regent of their own nomination ; for the convention in 1688 annexed to the bill by which they nominated the Prince of Orange King of England, their memorable declaration of rights, which were so many restrictions imposed on their new Monarch, or rather, may be considered as the *conditions* of conferring on him the regal dignity ;—and they were prescribed in pretty positive terms ; “ and they do *claim, demand, and insist* upon, all and singular the premises, as their undoubted rights and liberties.” The Parliament having now no positive law to direct them, could only be guided, as far as *law* was concerned, by *analogies*, and by inferences drawn from past transactions. The precedent of the Revolution would have been more strictly followed, had a mode of conduct been observed different from that which was proposed by either party. If, after the establishment of the King’s incapacity, the two Houses had proceeded to regulate the quantum of Sovereign power to be delegated to the Regent, and then, instead of having recourse to a fiction, in the irregular mode of enabling the Lord Chancellor to put the great seal to a commission, for the purpose of giving the royal consent to the bill containing those regulations, had nominated the Prince of Wales Regent, accompanying the nomination with the bill, in their address to his Royal Highness, to take upon him the office, in the same manner as the convention of 1688 accompanied their nomination of the Prince of Orange, with the declaration of rights ; the legislative power being complete, the Regent might have given the royal assent to the bill, in a legal and

factually prevented all danger from a non-observance, or breach of them, if any disposition to such conduct had obtained, which was not likely to be the case. As it was, without any vain and impotent attempt to reconcile the act to the principles, the spirit, or the practice, of the constitution, let us be thankful that the result has been so highly beneficial, in securing to us the greatest degree of civil liberty, compatible with the preservation of social order and good government, together with the inestimable advantage of enjoying the best and purest religion, known or practised by any denomination of Christians. In reference to such a system, let our motto, and our prayer, be—*esto perpetua* !

constitutional way. It is extraordinary, that this mode of proceeding was not suggested either by Mr. Pitt or Lord North ; this could not be expected from the partizans of the Prince, who objected to restrictions of any kind, and insisted on transferring, into his hands, during the life of his father, the whole of the regal power, in its utmost plenitude.

The Master of the Rolls, the Attorney, and Solicitor General, the Lord Advocate of Scotland, and Mr. George Hardinge, delivered their solemn opinions, as lawyers, against the question of right. The last of these gentlemen expressed a great reliance on the precedents of Henry the Sixth, and on the Regency Bills, passed during the last and present reigns. In the Regency Bill of George the Second, in case of a minority the Princess of Wales was made Regent, and the Duke of Cumberland, the next presumptive heir, passed by ;—in that of George the Third, the King was enabled to nominate a Regent by his will, though the Duke of York was the next major in succession. These, indeed, were acts of complete legislatures ; but in the debates which they occasioned, no complaint was made, no idea started, that any injury was done to the right of the presumptive heir, or of any other person. He likewise contended that the convention at the Revolution did, in their declaration respecting the appointment of William and Mary to be King and Queen, and the definition of the separate powers of each, decide upon an abstract question of right, and did legislate to all intents and purposes, as far as was now proposed to be done. In fact, they legislated much farther, for they disinherited the legitimate heir to the Throne, and altered the line of succession.

Mr. Fox, in a long speech, replete with ingenuity and acuteness, combated the arguments of those who had denied the existence of the right for which he contended. He rejected all the precedents as irrelevant, or inconclusive, and laboured to prove, from the spirit and practice of the constitution, that the Prince had, subject to the adjudication of Parliament, an exclusive right, under the existing circumstances, to the full exercise of the royal authority. He considered the assumption of a power to nominate a Regent, so far as it went,

as a conversion of the monarchy from hereditary to elective, and insisted, that the possession of the Crown, and of the executive authority, must, in the nature of things, be governed by the same principles. He said, that if the House had the right to nominate a Regent, they might nominate whom they pleased, even a *Catholic*, for the law defines not the Regent, and he contended, that the right claimed for the two Houses, implied a right in them to legislate and enact laws, in the teeth of the statute of the 13th of Charles the Second, which not only declared, that the two Houses of Parliament could not make laws without the consent and concurrence of the King, but also declares that, whoever should presume to affirm the contrary, should be guilty of high treason. The right to make laws rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon that very principle was our constitution built, and on the preservation of it did its existence depend; because, if the two branches could assume the power to make law, they might, in that law, modify, or entirely change, the nature of the third estate.

As if aware that he thus pronounced a sentence of condemnation on the conduct of those who achieved the Revolution, Mr. Fox immediately referred to that event, observing, that the present situation of affairs had been compared to it, but their proceedings were diametrically opposite. At the period of the Revolution, the convention, which was then assembled, conscious that they could not make any change in the genius of the monarchy, until they had a head, *first* restored the third estate, and then defined its power;* whereas the committee were called on to proceed in a different way; first, to new-cast the office, and then to declare the officer.—He asserted, that a Regent so chosen must be a pageant and a puppet, a mere creature of

* It has already been shewn, in a preceding note, that this statement of the proceedings at the Revolution, is perfectly erroneous. The convention passed a bill to declare the Prince of Orange King, but *accompanied* it with the Declaration of Rights, which must be considered as the definition of his powers. And it is truly preposterous to contend, that a convention, which could, and did, change the succession, dethrone the lawful Monarch, disinherit his heir, and transfer the sceptre to a foreign Prince, was conscious of its inability to change the genius of the monarchy.

the House!*

They might appoint him for a year, a month, a day, and so change the monarchy into a republic. The safety of the whole depended on the jealousy which each retained against the others; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three concurring, through different views, to one general good. All these principles would be destroyed by the present project, which would radically alter the government, and, of consequence, overturn the constitution.

Having argued the question of right, on these and other grounds, Mr. Fox condemned the present mode of proceeding as totally unnecessary. He next adverted to the charge which had been preferred against him, of having deserted the cause which he had, heretofore, been supposed to claim the peculiar merit of standing forth, on all occasions, to defend, and of having thus manifested an inattention to the privileges of the House of Commons, as opposed to the encroachments of the prerogatives of the Crown. His resistance of the latter, he said, when it had been thought to be increasing, unconstitutionally, was well known. The influence of the Crown had been more than once checked in that House, and, he really believed, to the advantage of the people.—Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted; but he desired to ask, if this was an occasion for exercising the constitutional power of resisting the prerogative, or the influence, of the Crown in that House? He had even *made it his pride to combat with the Crown*, in the plenitude of its power, and the fulness of its authority: he wished not to trample on its rights while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let Mr. Pitt pride himself on a victory against a defenceless foe; let him boast of a triumph where no battle had been fought, and, consequently, where no glory could be obtained! Let him take advantage of the calamities of human nature; let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously seizing on waifs, and strays, and deodands, and all the accumulated produce of the various

* It might, with great propriety, have been asked, whether King William, who was chosen by the two Houses, was this pageant, this puppet, this mere creature of their own?

accidents which misfortune could throw into his power. Let it not be my boast, he said, to have gained such victories, obtained such triumphs, or availed myself of wealth so acquired. Mr. Pitt, he added, appeared to have been so long in possession of power, that he could not endure to part with it, and was at least resolved to destroy what he might no longer be permitted to enjoy. He had experienced the full favour of the Crown, and enjoyed the advantage of exerting all its prerogatives; and, finding the operation of the whole not too much for the successful carrying on of the government, he had determined to cripple his successors, and deprive them of the same advantages which he had possessed; and thus circumscribe their power to serve their country, as if he dreaded that they would shade his fame.

The latter part of this speech displayed more eloquence than argument;—*eloquentiæ satis, sapientiæ parùm*;—it did not bear at all upon the point at issue.—Mr. Fox seems to have so framed the whole course of his reasoning, as if the *Crown* were to be transferred to the Prince, and not as if he were only to be entrusted with the exercise of the sovereign power, for a short time. In fact, the restrictions to be imposed on the Prince were all made on the ground of his authority being merely temporary, and with a view to the restoration of all its prerogatives to the Crown, as soon as the Sovereign should be in a situation to resume his functions.

Mr. Pitt, in reply, expressed his astonishment at the conduct of Mr. Fox, in digressing from the question of right, in order to enter upon the question of expediency, and that not so much for the purpose of discussing the expediency as to take an opportunity of introducing a personal attack upon him, which was neither provoked nor justified by the manner in which he had opened the debate. This attack Mr. Pitt pronounced to be unfounded, arrogant, and presumptuous. Mr. Fox had charged him with acting from a mischievous spirit of ambition, unable to bear the idea of parting with power which he had so long retained;—but not expecting the favour of the Prince, which he was conscious he had not deserved, and, therefore, disposed to envy and obstruct the credit of those who were to be his successors in office. Whether to

him belonged that character of mischievous ambition, which would sacrifice the principles of the constitution to the desire of power, he must leave to the House, and to the country, to determine. They would decide whether, in the whole of his conduct during this unfortunate crisis, any consideration which affected his own personal situation, or any management for the sake of preserving power, appeared to have influenced the measures which he had proposed. As to his being conscious that he did not deserve the favour of the Prince, he could only say, that he knew but one way in which he, or any man, could deserve it,—by having uniformly endeavoured, in a public situation, to do his duty to the King, his father, and to the country at large. If, in thus endeavouring to deserve the confidence of the Prince, it should appear, that he in fact had lost it, however painful and mortifying that circumstance might be to him, and from whatever cause it might proceed, he should indeed regret it, but, he would boldly say, it was impossible he could ever repent of it.

Mr. Fox had thought proper to announce himself and his friends as the successors of the present administration. He did not know on what authority he had made this declaration, but, he thought, with a view to those questions of expediency, which he had introduced, both the House and the country were obliged to him for this seasonable warning of what they would have to expect. The nation had already had sufficient experience of Mr. Fox, and his principles. Without meaning to use any terms of reproach, or to cast any imputation on his motives, it could not be denied that they were openly, and professedly active, on the ground of procuring an advantage, from the strength of party, to nominate the Ministers of the Crown. It could not be denied, that it was maintained, as a fundamental principle, that a minister ought, at all times, to be so nominated.—He would, therefore, speak plainly. If persons, who professed these principles, were, in reality, likely to be the advisers of the Prince, in the exercise of those powers which were necessary to be given, during the present unfortunate interval, it was the strongest additional reason, if any were wanting, for being careful to consider what the extent of those powers ought to be. It was impossible not to suppose that, by such

advisers, those powers would be perverted to a purpose which, indeed, it could not be imagined, that the Prince of Wales would, if he were aware of it, ever endure for a moment; but to which, by artifice and misrepresentation, he might, unintentionally, be made accessary, for the purpose of creating a permanent weight and influence, in the hands of a party, which would be dangerous to the just rights of the Crown, when the moment should arrive (so much wished, and, perhaps, so soon to be expected) of his Majesty's being able to resume the exercise of his own authority. The notice, therefore, which Mr. Fox, in his triumph, had condescended to give to the House, furnished the most irresistible reason for them deliberately to consider, lest, by providing for the means of carrying on the administration, during a short interval, they might sacrifice the permanent interests of the country, in future, by laying the foundation of such measures, as might, for ever afterwards, during the continuance of his Majesty's reign, obstruct the just and salutary exercise of the constitutional powers of government, in the hands of its rightful possessor, the Sovereign whom they all revered and loved.

Mr. Pitt, in answer to Mr. Fox's representation, that he declined maintaining his former assertion, that the Prince of Wales had no more right to the regency than any other subject in the country, and to the intimation, that he had thus retracted, in consequence of believing that not twenty persons would join in supporting that proposition,—observed, that he did not retract one single word of that assertion.—But it was in the recollection of the House, whether, when he first used the expression, he had not guarded it, as meaning to speak strictly of a claim of right, and not of any reasons of preference, on the ground of discretion or expediency. He had maintained that the Prince had no such right.—If the Prince had not the right, he could not be said to have any more right than any other subject in the country. But was it any answer to the assertion that, as Prince of Wales, he had no right to the regency, to say that he had other rights, different from the rest of the King's subjects, but which had nothing to do with the regency? Yet all the rights of the Prince of Wales, which had been mentioned by a noble Lord, (Loughborough) were of

this description. With regard to the question, whether twenty persons did or did not agree in his denial of the right of the Prince of Wales, he would put the whole on that issue, that if the Prince of Wales had any such right, the resolution which he had moved could not be true, and he considered every person who differed from his assertion on that subject, as bound to vote against the present motion.

In discussing the question of right, Mr. Fox had chosen to remark, that the right of the two Houses, and the right of the Prince of Wales, were to be considered as two rival rights, and that the only question was—in favour of which did the arguments preponderate? He should be perfectly ready to meet the question upon this issue, if it were the true one, for the right of the two Houses was clearly supported by precedent and usage, in every similar case, by express declarations of Parliament, and by positive authority of law; yet, the right of the Prince of Wales was not attempted to be supported on any of these grounds, but on pretended reasons of expediency, founded on imaginary and extravagant cases. In fact, this was not the fair issue of the argument. The right of the Prince of Wales was not to be considered as a rival right, to be argued on the same grounds as the other. It was a right which could not exist, unless it was capable of being expressly and positively proved;—whereas the right of Parliament was that which existed of course, unless some other right could be proved to exclude it. It was that which, in the principles of this free constitution, must always exist in every case, where no positive provision had been made by law, and where the necessity of the case, and the safety of the country, called for their interposition. The absence of any other right was, in itself, enough to constitute the right of the two Houses; and the bare admission that the right of the Prince of Wales was not clearly and expressly proved, virtually operated on every point under discussion.

The motion was then put, on Lord North's amendment, which was negatived, on a division, by 268 votes against 204,* when the second

* See Appendix A. for a list of the members who voted on either side of the question.

and third resolutions were put and carried without any further debate. The report from the committee being brought up, on the 19th of December, some further discussion took place, when the second resolution was opposed by Sir Grey Cooper and Mr. Windham, chiefly upon the same grounds on which it had been attacked in the former debate. Amendments being proposed, the object of which was to give the regency to the Prince, without further delay, the debate was adjourned to the 22d ;—but, previous to the adjournment, Mr. Pitt informed the House, that it was his intention, in case the resolutions which he had moved should be adopted, and should receive the approbation and concurrence of the Lords, to propose, that the Lord Chancellor should be empowered to put the great seal to a commission for opening the Parliament in the usual form ; and that, as soon as a bill should be passed, by both Houses, for providing for the exercise of the royal authority, under certain limitations, during his Majesty's indisposition, another commission should be sealed for giving to such act the royal assent. On the resumption of the debate, this mode of proceeding was strongly resisted by Lord North, Mr. Burke, and Mr. Fox, all of whom contended, that as it was agreed on both sides that the Prince of Wales should be the Regent, an address ought, immediately, to be presented, requesting his Royal Highness to take the office upon him.—But none of them proposed to accompany this address with the intended restrictions ;—so that both parties were wrong. Certainly the constitutional mode of proceeding was to settle the restrictions, and then to present them, together with the address, to the Prince, who, after signifying his acceptance, might open the Parliament in due form, and give the royal assent to the bill for carrying those restrictions into effect. In that case, any objection entertained by those who feared that the Prince, when in possession of the royal authority, might withhold his assent from the restrictions meant to be imposed on its exercise, would have been removed ;—and, on the other hand, those objections which the advocates for the *right* of the Prince advanced against the measure proposed by Mr. Pitt, and which, undoubtedly, were, in many respects, very serious and weighty, would either have been done away, or have been rendered inapplicable, and, consequently, impotent.

In this debate Mr. Fox clearly explained his opinion, as to the applicability of the precedent, supplied by the Revolution to the present question. He said, that after the King had abdicated his Throne, by leaving the kingdom, there existed a necessity in which all forms were to give way to the substance and essence of the constitution. The two Houses had not, in that necessity, the choice of conduct. Their first bounden constitutional duty was to protect themselves against the danger which threatened, and therefore he affirmed it as an incontrovertible position, that what they did under the immediate pressure of this necessity did not, and could not, apply to the present necessity; but he was ready to acknowledge, that every proceeding of theirs which could be referred to free agency, and in which they were not shackled by the dangers that surrounded them, did apply to the present case. Arguing on these two positions, if it should be said that the convention overlooked the line of hereditary succession, his answer would be, that, in doing so, they acted under the pressure of the necessity, well knowing that they could only preserve to the kingdom its liberties and constitution by putting the Crown into the hand of a person able to protect them. Their election, therefore, he thought an act of positive necessity, which did not apply to the present case. The mode of their electing him he considered as an act of discretion, and that therefore did apply:—And how did the two Houses act? They might have ordered a new great seal to be made, they might have created a pageant, and given to themselves the empty form, without the reality or the essence of a perfect Parliament; they might have committed an insulting fraud, and, in the mere mockery of legislation, have passed an impotent act, conveying to King William the Crown. But, knowing and feeling the distinct powers possessed by the two Houses, and possessed by the legislature; knowing that the two Houses could act only by resolutions and addresses, and that the legislature could again act only by bill and statute, the convention proceeded by that course which was consistent with their functions—by address.—Here was a precedent in the Revolution applicable to the present case.

It has already been shewn, that this account of the proceedings of

the Revolution is not accurate, and that the two Houses did, in point of fact, perform a most important act of legislation.—It is absurd to say, that they merely *resolved* that the Prince of Orange should be King; or that they simply *addressed* him, requesting him to accept the Crown;—for such *resolution*, and such *address*, would be perfectly nugatory, unless they gave a *legal sanction* to the dignity which they conferred, and that could only be done by an act, which, whatever name may be given to it, was, to all intents and purposes, a legislative act.

Mr. Pitt insisted, that the grounds on which he had proposed and supported the resolution would fully bear it out, whether reference was had to precedents and practice, or to the principles of the constitution. The former had been produced, in the first place, to shew that, in all cases of interruption, or suspension, of the executive government, the right of providing a remedy was in the two remaining branches of the legislature; and, in the second place, that in infancy, or infirmity, of the Sovereign, the will of the King had always, in form of law, been made the instrument of sanctioning the acts of the executive power, by whomsoever advised or directed. In this manner, by a commission, under the great seal, had Parliaments, in such cases, been called together, in former times, as appeared by the precedents, and their acts were sanctioned by the royal authority, although the King was incapable of exercising any judgment, discretion, or will of his own. The present Parliament was more regular, in point of form, inasmuch as it wanted no such power to call it together, being legally summoned, and assembled, without it. It had been argued, that this power of putting the great seal to a commission for calling a Parliament, when there was none, was so much considered as the right of the first Prince of the Blood, in cases of the minority of the King, that it had not even been thought necessary to grant an indemnity for having done it, and consequently it must have been considered a legal act. The precedents of the first part of the reign of Henry VI. shewed that this was a mistake: for a commission for calling a Parliament at that time had been afterwards ratified by Parliament; and there were other instances

of such subsequent ratification, where the seal had been put to commissions by the first Prince of the Blood.

With respect to the Revolution, Mr. Pitt contended, that the principle resulting from the proceedings of Parliament then was such as ought to govern the proceedings at present. He agreed, that what had been done from motives of policy, to protect the nation from invasion, by a formidable rival, and to prevent the return of the abdicated monarch, ought to be laid aside from their consideration at present ; but the two remaining branches of the legislature, on that occasion, had not restricted themselves to a simple address to the Prince of Orange to accept the Crown ; they felt not only that they must have a King, but that they must have a King on certain terms and conditions — *They did what amounted to a legislative act* ; they came to a resolution to settle the Crown, not on the Prince of Orange, and the heirs of his body, nor on the Princess Mary, and the heirs of her body ; but on the Prince and Princess jointly ; the authority to be exercised only by him. Here it was evident, that whatever the necessity of the case required at that time, the Lords and Commons possessed the power to provide for it, and, consequently, whatever the necessity of the case demanded at present, the power belonged to the Lords and Commons to supply it. But, although the application of the principle was denied, the form of the proceedings was recommended as a pattern. On the other hand, Mr. Pitt maintained, that the circumstances of the case were widely different. The throne was vacant then, but it was full now, and, therefore, the address was not a precedent in point of form.

With respect to the statute of Charles II. which had been frequently referred to in the course of the debate, Mr. Pitt observed, that it said no more, and could never be understood to mean any more, than that, when there was a King, the Lords, and Commons could do no legislative act of themselves ; but it could not possibly mean that they should not act at all, when there was no King to act with them. The same principle which justified the Revolution, must justify the proceeding at the present period ; and the 13th of Charles II. might as well

have been alleged against the Revolution, as opposed to the proceedings under their deliberation.

Mr. Pitt observed, that Mr. Fox had contended that, as the first step of their proceeding, whatever might be adopted, must necessarily be informal; that mode must, of course, prove the best, which could soonest do away the informality, and, at the same time, conform to the necessity of the case. This, he said, brought him to the true grounds on which the question was to be argued, and on which they might fairly come to a decision. By Mr. Fox it was maintained, that the Prince of Wales might be desired, by an address, to represent the King; whereas *he* had proposed, that the royal assent should be given by a commission under the great seal. The latter had been objected to, on this ground, that any act done in the King's name, without his knowledge, was a coarse fiction, a mere legal forgery, not to be endured. If it were really so, what was the Regent to do? was he to act in his own name, or in the King's? In his own name he could not act without first dethroning the King, and in the King's name he could not act without having recourse to this reprobated fiction. If gentlemen who argued thus knew their own principles, they proved the impossibility of appointing any Regent. But the fiction which had been treated with so much disrespect, and twisted and distorted into so many shapes of absurdity, was, in fact, sanctioned by the practice of the constitution, and the forms of law. The House had been truly told, that it was that fiction which governed the proceedings of the courts of justice, which protected their dearest rights and properties. It resulted from the nature of hereditary monarchy, from that principle which supposes the same power to pass instantly in succession from one person to another, and that the political capacity of the King is always entire; that principle which preserves sacred and inviolable, the person on the throne, and has protected it in the imbecility of infancy, and the decrepitude of age. Certain forms of law were evidence of the will of the King, and, whenever they appeared, could not be averred against. Of this nature, was the affixing of the great seal, and if the Chancellor were then to put the great seal to any act, it could not be contradicted; its legality could not be disputed; it must be

received by the courts of justice, and proceeded on, as law. But, the personal imbecility of the King being known, and his incapability of giving any command, the Chancellor would incur such personal danger by an action of that sort, as would undoubtedly, deter any man in his senses from committing it. The highest authority in the nation was requisite for such an act, and such was the great council of the nation.

The comparison of the two modes of proceeding, Mr. Pitt insisted, was sufficient to enable the House to decide which was preferable. They had already voted it to be their right and their duty, to provide for the temporary exercise of the executive power, in such manner, as the exigency of the case might require. Having recognized their own authority, would they give authority to another person, to curb them in the use of it? Having declared what their right and their duty were, could they renounce any part of that right and of that duty? It had been observed, that the person of the King could not be represented in Parliament, unless he possessed full Parliamentary powers; the power of assembling, of proroguing, of dissolving it; and to reconcile the House to the granting of these powers, it was said that the Regent would not use the power of dissolving the Parliament. But when powers were once given, it was impossible to say how they might be exercised. The Regent might fill the other House with new Peers, while they were deliberating whether that power should, or should not be limited. The powers to be given him ought to be discussed while the House had the power of deliberating with effect. With many it was a doubt, whether very extensive powers ought to be given, during a short regency, as they all hoped, and wished it might prove; and, if they acted honestly, as their duty to the Sovereign, and regard to the public, dictated, they would decide that first. If they acted otherwise, and should afterwards, on deliberation, be of opinion, that all the powers of the prerogative were not necessary, in such circumstances, where was the remedy, when they had given them all? To give any part of them arose from necessity; and they went beyond necessity, if they gave more than was sufficient.

It had also been argued, as if the limitations had been perpetual,

and they had been warned against invading the prerogative, in its defenceless state. When the necessity of exercising the prerogative, by a Regent, should cease, the limitations would cease likewise. But, if the full powers were given to a Regent, that circumstance might have a permanent influence, during the life of the King, to weaken the prerogative. It would be highly improper in him to say, who were likely to be the advisers of his Royal Highness as Regent, but he would not pay so ill, or so dishonest, a compliment to his Royal Highness, as to agree to give him power as Regent, which his advisers, whoever they should be, might induce him to misuse. Should the House give the whole power, it might be affirmed, that they went beyond the necessity of the case, and sacrificed their own rights, and their duty to the King, to the prospect of resuming what they might not afterwards be able to resume.

The Solicitor-General supported the arguments of Mr. Pitt, and asserted that, as the King was on the throne, it would be highly illegal in the two Houses to address the Prince of Wales, and give him the power of Regent, before they were capacitated so to do; nor would he, he said, wish to implicate himself in the guilt of any resolution which might so affect the Sovereign; for the King was yet a capable man in his political character, as the opinion of the twelve judges testified, by their carrying on the business of the courts every day, as if the King were in his most perfect state. He said, that if the great seal were affixed to a commission, calling together the two Houses of Parliament, the meeting under that commission, would be legal, notwithstanding it was not the immediate order of the King, because, on the face of the proceedings, every thing must be taken for granted to be regular. The same observation, he said, would hold good with respect to any commission for giving the royal assent to a bill, without the personal consent of the Sovereign, or the Regent, who acted in his stead; such assent, when once given, either by commission, or by the royal person, being always considered as binding and conclusive.

Mr. Fox, in explanation, observed, that he never had asserted, that the name of the King could not be used without the will. For a per-

son possessing the exercise of discretion, and, consequently, the power of assenting or dissenting, to use it might be an allowable fiction, but, for a person set up by Parliament to do a particular act or acts, without the liberty of exercising discretion, or dissenting, if it was thought proper, to use it, was an extravagant fiction. In the one case, there were three branches of the legislature, in the other there were only two.

This was the strongest objection which was urged against Mr. Pitt's proposal; and certainly the absence of all discretion; the want of the faculty of *dissenting* from a bill implies, as strongly as any thing can, the incapacity to *assent* to it, or to give it legal effect.—At the commencement of this debate, Mr. Hardinge had adverted to the precedent of the Revolution, of which so much had been said, when he affirmed, that the House *did legislate*, at the period of the Revolution, when they elected King William to the throne.

Mr. Sheridan made some personal attacks on Mr. Pitt, imputing his intention of imposing restrictions on the Prince, to fear of losing his own power, or to some unworthy suspicion; and he insisted there could be no doubt that his Royal Highness, when Regent, would submit to the intended limitations of his power. The original resolution was carried by a majority of *seventy-three*, 271 having voted for it, and 178 against it. It was then ordered, that the three resolutions should be delivered to the Lords, at a conference, and their concurrence desired.

This was done on the ensuing day; and, on the 26th, the resolutions were discussed in the House of Lords. They were opposed by Lords Rawdon, Stormont, Porchester, Carlisle, and Loughborough; and were supported by the Lord Chancellor, the Duke of Richmond, the Marquis of Lansdowne, and Earl Camden. No new light was thrown on the subject, in the course of this investigation, which, however, was conducted, on both sides, with great ability. An amendment having been moved by Lord Rawdon, similar to that which had been proposed in the Lower House, by Mr. Dempster, the object of

which was to address the Prince, and to pray him to take upon himself, as the sole Regent, the administration of executive government, the Chancellor begged to know what the term Regent meant? Where was he to find the definition of it? In what law-book, or what statute? He had heard of *custodes regni*, of *lieutenants of the King*, of *guardians* and *protectors*, and of *Lords Justices*; but he knew not where to look for an explanation of the office and functions of a Regent. To what end, then, would it be to address the Prince of Wales, to take upon himself an office, the boundaries of which were by no means ascertained? But the amendment attempted something which probably was intended as a sort of definition of the term Regent, and of the nature of a Regent's office, by adding the administration of executive government. There again, however, the expression was dark and equivocal. What was meant by the executive government? Did it mean the whole royal authority, all the Sovereign's functions, without restriction or limitation of any kind whatsoever? If it did, it ought to have said so in express words; and if it had, would any noble Lord have contended, that such a broad degree of authority as amounted to the actual dethroning of his Majesty, and wresting the sceptre out of his hand, ought to be voted by that House? He reminded the House that, in the contemplation of law, the political character of a King of Great Britain was always whole and entire; and he desired them, at the same time, not to forget, that the King's natural character was inseparable from his political character. The resolutions were all carried by a decisive majority, and a committee was appointed to communicate to the Commons the concurrence of the Lords.

While the two Houses of Parliament were engaged in these important discussions,—important not only in their immediate effect, but in their influence on posterity, by the establishment of a precedent, for all analogous cases, the nation at large were not unconcerned nor passive spectators of the contest. Addresses were presented from various parts of the kingdom, expressive of approbation of the conduct of the ministry, while two or three, of a contrary description, were obtained by the Opposition. At this period Mr. Cornwall, the Speaker of the House of Commons, was seized with a dangerous illness, which put a

period to his existence, on the 2d of January, when the House immediately adjourned to the fifth.

During this interval, Mr. Pitt communicated to the Prince of Wales his proposed plan for the establishment of a Regency, in the following letter.

“ SIR,

“ The proceedings in Parliament being now brought to a point, which will render it necessary to propose to the House of Commons the particular measures to be taken for supplying the defect of the personal exercise of the royal authority, during the present interval ; and your Royal Highness having, some time since, signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully intreating your Royal Highness’s permission to submit to your consideration the outlines of the plan, which his Majesty’s confidential servants humbly conceive, (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

“ It is their humble opinion, that your Royal Highness should be empowered to exercise the royal authority, in the name and on the behalf of his Majesty, during his Majesty’s illness, and to do all acts which might legally be done by his Majesty ; with provision, nevertheless, that the care of his Majesty’s royal person, and the management of his Majesty’s household, and the direction and appointment of the officers and servants therein, should be in the Queen, under such regulations as may be thought necessary. That the power to be exercised by your Royal Highness should not extend to the granting any office in reversion, or to the granting, for any other term, than during his Majesty’s pleasure, any pension, or any office whatever, except such as must, by law, be granted for life, or during good behaviour, nor to the granting any rank or dignity of the peerage of this realm, to any person, except his Majesty’s issue, who shall have attained the age of twenty-one years. These are the principal points which have occurred to his Majesty’s Ministers.

“ I beg leave to add, that their ideas are formed on the supposition
“ that his Majesty’s illness is only temporary, and may be of no long
“ duration. It may be difficult to fix, beforehand, the precise pe-
“ riod for which these provisions ought to last ; but if, unfortunately,
“ his Majesty’s recovery should be protracted to a more distant pe-
“ riod than there is reason at present to imagine, it will be open, here-
“ after, to the wisdom of Parliament, to re-consider these provisions ;
“ whenever the circumstances appear to call for it.

“ If your Royal Highness should be pleased to require any further
“ explanation on the subject, and should condescend to signify your
“ orders, that I should have the honour of attending your Royal High-
“ ness for that purpose, or to intimate any other mode in which your
“ Royal Highness may wish to receive such explanation, I shall re-
“ spectfully wait your Royal Highness’s command.

“ I have the honour to be,

“ With the utmost deference and submission,

“ Sir,

“ Your Royal Highness’s

“ Most dutiful

“ and devoted servant,

“ W. PITT.

“ *Downing Street,*

“ *Tuesday Night, Dec. 30, 1788.*”

To this respectful address, the Prince’s advisers persuaded his Royal Highness to give the following answer :

“ The Prince of Wales learns from Mr. Pitt, that the proceedings
“ are now in a train which enables Mr. Pitt, according to the in-
“ timation in his former letter, to communicate to the Prince the out-
“ lines of the plan, which his Majesty’s confidential servants conceive
“ proper to be proposed in the present circumstances.

“ Concerning the steps already taken by Mr. Pitt, the Prince is
“ silent—nothing done by the two Houses of Parliament can be a

“ proper subject of his animadversion ; but when, previously to any
 “ discussion in Parliament, the outlines of a scheme of government
 “ are sent for his consideration, in which it is proposed that he shall
 “ be personally and principally concerned, and by which the royal
 “ authority, and the public welfare, may be deeply affected, the
 “ Prince would be unjustifiable were he to withhold an explicit de-
 “ claration of his sentiments. This silence might be construed into a
 “ previous approbation of a plan, the accomplishment of which every
 “ motive of duty to his Father and Sovereign, as well as of regard for
 “ the public interest, obliges him to consider as injurious to both. In
 “ the state of deep distress, in which the Prince, and the whole Royal
 “ Family, were involved, by the heavy calamity which has fallen
 “ upon the King, and at a moment when government, deprived of its
 “ chief energy and support, seemed peculiarly to need the cordial and
 “ united aid of all descriptions of good subjects ; it was not expected
 “ by the Prince, that a plan should be offered to his consideration,
 “ by which government was to be rendered difficult, if not impractica-
 “ ble, in the hands of any person intended to represent the King’s
 “ authority ;—much less the hands of his eldest son, the heir apparent
 “ of his kingdoms, and the person most bound to the maintenance of
 “ his Majesty’s just prerogatives and authority, as well as most in-
 “ terested in the happiness, the prosperity, and the glory of the
 “ people !

“ The Prince forbears to remark on the several parts of the sketch
 “ of the plan laid before him ; he apprehends it must have been
 “ formed with sufficient deliberation to preclude the possibility of any
 “ argument, of his producing an alteration of sentiments in the pro-
 “ jectors of it. But he trusts, with confidence, to the wisdom
 “ and justice of Parliament, when the whole of the subject, and
 “ the circumstances connected with it, shall come under their delibe-
 “ ration.

“ He observes, therefore, only generally on the heads communicated
 “ by Mr. Pitt, and it is with deep regret the Prince makes the ob-
 “ servation, that he sees, in the contents of that paper, a project for

“ producing weakness, disorder, and insecurity, in every branch of
“ the administration of affairs. A project for dividing the Royal
“ Family from each other; for separating the court from the state,
“ and, therefore, by disjoining government from its natural and ac-
“ customed support. A scheme for disconnecting the authority to
“ command service from the power of animating it by reward, and
“ for allotting to the Prince all the invidious duties of government,
“ without the means of softening them to the public, by any one
“ act of grace, favour, or benignity.

“ The Prince’s feelings, on contemplating this plan, are also
“ rendered still more painful to him, by observing, that it is not
“ founded on any general principle, but is calculated to infuse jea-
“ lousies and suspicions (wholly groundless, he trusts) in that quarter,
“ whose confidence it will ever be the first pride of his life to merit
“ and obtain.

“ With regard to the motive and object of the limitations
“ and restrictions proposed, the Prince can have but little to ob-
“ serve. No light or information is offered him by his Majesty’s
“ Ministers on these points. They have informed him *what* the
“ powers are which they mean to refuse him, not *why* they are with-
“ held.

“ The Prince, however, holding, as he does, that it is an undoubted
“ and fundamental principle of the constitution, that the powers and
“ prerogatives of the Crown are vested there, as a trust for the benefit
“ of the people ; and that they are sacred only as they are necessary*

* This was a strange loose doctrine to put into the mouth of the heir apparent. It was tantamount to an acknowledgment of an existing right in the people to strip the Crown of the powers and prerogatives which the law had vested in it, whenever, in *their* estimation, they should cease to be necessary for their own benefit.—For who, but the people, could decide whether it was necessary or not? And whether the people were to act of themselves, or through the medium of their representatives the effect would be the same. According to this doctrine, the constitution may be radically altered, or totally destroyed, whenever the voice of the people shall be raised against it, and proclaim its inefficacy to preserve the due

“ to the preservation of that poise and balance of the constitution,
“ which experience has proved to be the true security of the liberty of
“ the subject,—must be allowed to observe, that the plea of public
“ utility ought to be strong, manifest, and urgent, which calls for the ex-
“ tinction, or suspension, of any one of those essential rights in the su-
“ preme power or its representative; or which can justify the Prince
“ in consenting that in his person an experiment shall be made, to
“ ascertain with how small a portion of the kingly power the execu-
“ tive government of this country may be carried on.

“ The Prince has only to add, that if security for his Majesty’s re-
“ possessing his rightful government, whenever it shall please Provi-
“ dence, in bounty to the country, to remove the calamity with which
“ he is afflicted, be any part of the object of this plan, the Prince has
“ only to be convinced that any measure is necessary, or even condu-
“ cive, to that end, to be the first to urge it as the preliminary and
“ paramount consideration of any settlement in which he would con-
“ sent to share.

“ If attention to what is presumed to be his Majesty’s feelings and
“ wishes on the happy day of his recovery be the object, it is with the
“ truest sincerity the Prince expresses his firm conviction, that no
“ event would be more repugnant to the feelings of his royal father,*
“ than the knowledge, that the government of his son and representa-
“ tive had exhibited the Sovereign power in a state of degradation, of
“ curtailed authority, and diminished energy—a state, hurtful in prac-
“ tice to the prosperity and good government of his people, and inju-

balance of political powers in the state, and, consequently, to promote and secure their happiness and welfare. Against the prevalence of such notions, no constitution which human wisdom could devise, could be expected to stand. The doctrine, however, is as unconstitutional as it is dangerous, and those advisers who led the Prince to adopt it for the poor purpose of courting popular favour, whatever praise might be due to their ingenuity could claim no credit for their prudence or discretion.

* His Majesty’s continued confidence in Mr. Pitt, after his recovery, supplies the best answer to this insinuation.

“ rious in its precedent to the security of the Monarch, and the rights
“ of his family.

“ Upon that part of the plan which regards the King’s real and per-
“ sonal property, the Prince feels himself compelled to remark, that
“ it was not necessary for Mr. Pitt, nor proper, to suggest to the
“ Prince the restraint he proposes against the Prince’s granting away
“ the King’s real and personal property. The Prince does not con-
“ ceive that, during the King’s life, he is, by law, entitled to make
“ any such grant ; and he is sure that he has never shewn the smallest
“ inclination to possess any such power. But it remains with Mr.
“ Pitt to consider the eventual interests of the Royal Family, and to
“ provide a proper and natural security against the mismanagement of
“ them by others.

“ The Prince has discharged an indispensable duty, in thus giv-
“ ing his free opinion on the plan submitted to his consideration.

“ His conviction of the evils which may arise to the King’s interests,
“ to the peace and happiness of the Royal Family, and to the safety
“ and welfare of the nation, from the government of the country re-
“ maining any longer in its present maimed and debilitated state, out-
“ weighs, in the Prince’s mind, every other consideration, and will deter-
“ mine him to undertake the painful trust imposed upon him by the
“ present melancholy necessity (which of all the King’s subjects he
“ deploras the most) in full confidence, that the affection and loyalty
“ to the King, the experienced attachment to the House of Brunswick,
“ and the generosity which has always distinguished this nation, will
“ carry him through the many difficulties, inseparable from this most
“ critical situation, with comfort to himself, with honour to the
“ King, and with advantage to the public.

(Signed)

“ G. P.

“ *Carlton House,*
“ *January 2, 1789.*”

This paper was delivered by the Prince to the Lord Chancellor.—

It was, no doubt, intended to produce an effect on the future deliberations of the two Houses, and might, indeed, be considered as an appeal from the Ministers to the Parliament.—At all events, it afforded a complete answer to the question of one of his partisans—
“ Would any advise the Prince to say, I accept the regency under
“ the limitations you propose, which I think are improper, and which
“ I hope Parliament will annul !”*

* See Mr. Sheridan's speech of December 22.

CHAPTER XII,

Different opinions of the Physicians relative to the probable duration of his Majesty's malady—Discussions on the Regency resumed—Another examination of the King's Physicians, by a Committee of the House, ordered on the motion of Mr. Loveden—Mr. Pitt opens his proposed plan of restrictions on the Regent—Examines the grounds of the opposite opinions entertained by two of the King's Physicians—Reminds the House that they were not about to place a King upon the throne—Distinguishes the powers of a Regent from those of a King—Urges the necessity of establishing a constitutional precedent—Reflections on the subject—Restrictions justified, not only on general principles, but on the recorded sentiments and opinions of the men who were destined to be Ministers of the Regent—Personal character of the Regent not a proper criterion for the regulation of his powers—Mr. Pitt proposes to prevent the Regent from creating Peers—His reasons for the proposal—His restrictions respecting the grant of places and pensions—Respecting the King's personal property—Proposes to entrust the care of the King's person, and the management of the Royal Household, to the Queen; and to move a Council of Advice to assist the Queen in the discharge of her trust—His resolutions violently opposed by Mr. Powis—Ridiculed by Mr. Sheridan—Censured by Mr. Fullarton, whose misrepresentation of French History is corrected—Supported by Lord Belgrave—Able Speech of Mr. William (now Lord) Grenville, in favour of them—The first four resolutions carried—Debate postponed—Mr. Pitt's Speech in defence of the fifth resolution—Disclaims all views of factious opposition to the Regent's administration—Violent Speech of Lord Maitland; he libels the people of England—Misstates the ground of the argument—Objects to trust the King's person to the Queen—Probable motives of such objection—Objection supported by Mr. Grey—Resolutions supported by Mr. Dundas and Mr. Pulteney—Opposed by Mr. Fox—Denies that the King's Political Character continues to subsist during his natural life—The state and splendour of the Regent a national concern—Resolution carried by a majority of fifty-six—Mr. Rolle revives the subject of the reported marriage of the Prince of Wales with Mrs. Fitzherbert—Called to order by Sir Francis Basset—Necessity of the investigation affirmed from the penal disqualifications attached to such marriage if it had really taken place—Resolutions pass in the Commons—Proceedings in the House of Lords—The Lords agree to the Resolutions—Mr. Pitt proposes to submit the Resolutions to the Prince of Wales; and defends himself against some imputations of disrespect to the Prince, which had been urged against him by Mr. Burke and Mr. Grey—Asserts the existence of a Duty to his King and Country paramount to all considerations of respect to the Prince—Joint resolutions of the two Houses laid before the Prince and the Queen—Answer of the Prince and of the Queen—Earl Camden proposes a commission, under the great seal, for giving the Royal Assent to the Bill—A better mode of proceeding suggested—His Lordship justifies the proposal by precedents from

English History.—The Princes of the Blood desire their names may be erased from the commission.—Mr. Pitt brings in the Regency Bill.—Opposed, on the second reading, by Mr. Burke—His intemperate language—Is called to order by Mr. Pitt—Mr. Rolle proposes a clause for excluding from the Regency any person proved to be married, *either in law or in fact*, to a Papist, or one of the Roman Catholic persuasion—Clause opposed by Lord Belgrave—Reasons for an Enquiry into the business—Mr. Welbore Ellis contends that the Act of the present King, which annuls all marriages of the Royal Family, without the Royal Assent, decided the question, as *that could not be true in fact which was not good in law*—The imputed effect of this Act denied—Mr. Ellis's inference adopted by Lord North, Mr. Sheridan, and others—Silence of the Crown Lawyers on the subject—Inference resisted by Mr. Dundas, who maintains that the penalties of the Act of Settlement still subsist—Mr. Rolle proposes to withdraw his motion—Is ridiculed by Mr. Courtenay—Reviled by Mr. Grey—Mr. Grey's intemperance censured by Mr. Pitt—Debates on the Queen's Council pursued—Mr. Burke is again called to order—Lord North censures Mr. Pitt for not introducing the names of the Princes of the Blood, and moves for the insertion of their names in the list—His motion resisted by Mr. Pitt, who explains the grounds of their exclusion—Motion rejected by the House—Mr. Pitt defends the means proposed by him for making known the Recovery of the King, and the resumption of the Royal power—Inconsistency of the Opposition—Extraordinary Speech of Mr. Burke—Restrictions on the creation of Peers limited to Three Years—Bill carried to the Lords—All further proceedings stopped by the King's restoration to health—Reflections on Mr. Pitt's conduct during these discussions—On the proposed dismissal of the King's confidential servants by the Regent—Proceedings on the Regency in the Irish Parliament—Their precipitate conduct—Declare the Prince Regent—Glaring instance of their inaccuracy on a constitutional point—The Marquis of Buckingham (Lord Lieutenant) refuses to transmit their Address—Delegates appointed to carry it to the Prince—The Prince's answer considered as an indirect censure on the Parliament of Great Britain—Protests of the Irish Peers against the legality of these proceedings, and pointing out their dangerous tendency.

[1789.] During the short interval which occurred between the receipt of the Prince's communication to Mr. Pitt, and the renewal of the discussions in Parliament, contradictory reports had prevailed respecting the actual state of the king's health, founded on the opposite opinions of two of the physicians who attended his Majesty. Dr. Warren seemed to think the probability of his recovery less than it had been at the commencement of his illness, while Doctor Willis, who was more conversant with the peculiar malady with which it had pleased the Almighty to afflict our Sovereign, entertained very sanguine hopes that his illness would be of short duration. When the Parliament met, On the 6th of January, the day fixed by Mr. Pitt for proposing his

restrictions on the Regent, Mr. Loveden, the member for Abingdon, adverted to these opposite reports, and, very justly, conceived that, as the nature of the restrictions would essentially depend on the probable duration of his Majesty's illness, it would be indispensably necessary to ascertain that before the House proceeded to consider the order of the day. He, therefore, moved, "That the physicians who have attended his Majesty should be again examined, to inform the House whether any alteration, or amendment, had taken place in the state of the King's health, and if the present symptoms were such as to give reason to hope for his Majesty's speedy recovery.

This motion gave rise to a debate, in which more warmth than reason was displayed. Dr. Warren's opinion was attacked, by one side, as the polluted offspring of party-spirit, while that of Doctor Willis was arraigned, by the other, with equal severity, but with infinitely more injustice. Mr. Pitt professed his opinion, that the order of the day ought to be proceeded with, but the turn which the debate took, and the very intemperate language which was used, induced him to alter it, and to acquiesce in the motion for re-examining the physicians before a select committee of the House on the ensuing day. This committee continued to sit for a whole week ;—they brought up their report to the House, on the 13th of January, and the 16th was the day fixed for taking it into consideration, by a committee of the whole House.

On that day, Mr. Pitt opened the business to the House by expressing his concern that the situation of the country should be such as to render it necessary for them to exercise the painful right of providing the means of supplying the deficiency which his Majesty's unfortunate illness had created in the government of the country. In doing so, however, he trusted that they should proceed in the manner best calculated to give general satisfaction, and most likely to secure the approbation of the people ; which, he had the happiness to know, had generally attended every step which they had hitherto taken. He sincerely wished that every measure which he had to propose might be fully discussed, and fairly decided upon ; that the nature of the case,

the general principles on which they ought to proceed, and the application of those principles, might be clearly and distinctly pointed out. In this way, they would be best enabled to meet the emergency which now called for their effective interposition.

The business of the committee, notwithstanding the voluminous reports upon the table, lay in a very narrow compass. In the last report, there was abundant matter of confirmation to him, of the propriety and prudence of those measures which, as the committee were aware, he was prepared to propose ten days before. But, though there was much material information in that report, there was no difference, in his opinion, in the ground of what he had to offer; as on the former day, as well as on the present, the committee had more information before them than was sufficient to bear him out in all that he should submit to their consideration. Had he, on that day, felt it necessary to state the ground on which he intended to build his proceeding, he should have stated it thus:—"That his Majesty was incapable of meeting his Parliament, or of attending to public business; that the unanimous opinion of his Majesty's physicians was, that his Majesty's recovery was more probable than the contrary, and that all the physicians agreed that it was impossible to ascertain when that so much wished-for event would take place; but that those who were more immediately conversant with the disorder, with which his Majesty was afflicted, had declared that the majority of such patients were cured; and that one of the physicians, the most conversant of any, had stated, that the greatest length of time for which he had ever known the disorder to continue, was eighteen months, or two years, that the shortest period was three months, and that the average was five or six months." In saying even this, he should have said more than was necessary for any argument on the principle on which he proceeded. What they had to provide for, therefore, was no more than an interval, and he flattered himself that it would prove but a short interval: if, however, unfortunately, his Majesty's illness should be protracted, they might leave it to Parliament to do what was, at present, clearly unnecessary,—to consider of a more permanent plan

of government. If they regarded the disorder as not in itself incurable, every man must admit that the provisions ought not to be permanent.

With regard to the difference of opinion between the physicians, as to the prospect of a recovery ; Mr. Pitt said, it appeared to him to depend on two circumstances, by which it might be decided on whose opinion the greatest reliance ought to be placed. The first was, the knowledge of the malady in general ; and the second, the knowledge of the particular case of the patient. Three of his Majesty's physicians had been conversant with the malady ; two others, though not so conversant, were well acquainted with his Majesty's habits.—These two (Sir George Baker and Doctor Warren,) attended his Majesty for two hours each day ; the three others from the evening until eleven in the forenoon ; surely, it was natural for those who attended his Majesty most, to be the best judges of his situation ; and it was remarkable, that Dr. Warren and Sir George Baker were the least confident of a cure, and that the other Doctors had much greater hopes ; but Doctor Willis, who attended his Majesty more than any of the others, was more sanguine than them all. Sir Lucas Pepys stated circumstances which did not amount to a certainty of a cure, but which proved an abatement of his Majesty's disorder. Dr. Willis was of opinion, that all the symptoms, since the time of the last examination, were more favourable. In a word, all the physicians agreed in the probability of his Majesty's recovery, and that the length of the time had not diminished the probability of a cure ; those, too, who understood the disorder best, thought it increased it.

For his own part, he wished not to go at length into the particulars of the last report, on which the committee might safely rely, as there were those in the committee who were anxious to sift, with the most scrupulous accuracy, every point likely to prove his Majesty's recovery. There had been some who were disposed to give but little credit to Dr. Willis ; if, therefore, they should make any observations, he conceived, that they would be made in the same spirit, and with the same ability, as when they were urged in the committee above stairs.

Upon this occasion, he felt it but common justice to commend the skill, integrity, and good sense of Doctor Willis, which were evinced under a severe cross-examination, calculated to puzzle simplicity, and to leave the coolness which should, of necessity, accompany the delivery of evidence too unguarded.—However it might suit the political intrigue of the times, or be convenient to circulate them, at present, in London and its environs, he would not anticipate the remarks which might be made; but, if there were any intention of discussing the credit of either this or that physician, he desired that the nature of the imputation might be understood. In the course of the inquiry above stairs, Mr. Pitt said, a circumstance had come out, over which he would not draw a veil of delicacy, as he was not ashamed to bring it forward. If it were to be stated, to the discredit of any physician, that he had submitted to be unduly influenced by a great personage; let the committee know to what physician the imputation of having consented to give an untrue account of the state of his Majesty's health, applied: if an impropriety of conduct like that was imputed, he would not believe it till it was distinctly *ventured* to be said; and, when he used the word *ventured*, he did not mean to use it with regard to the exalted station of the person in question, but with regard to the transaction itself; nor did he, he would repeat, believe that any man would *venture* to charge blame of any kind on that respectable personage, who had lived, for almost thirty years in this country, without being traduced, a pattern of the most unexampled affection, domestic tenderness, and virtue; against whom the breath of calumny had not dared to send forth even a whisper; and who could not merit it, at a moment, when visited by a calamity which rarely befalls a private person, but which surely was not a little aggravated, when it became the lot of the family of a person in so exalted a rank as the Sovereign of the country. As to the fact itself, it appeared that Doctor Warren allowed, that apparent circumstances of an amendment began to appear; and there was, in consequence, a wish, on the part of her Majesty, that the report might be such as should give the public the most favourable account of his Majesty's health; but would any man prove that any undue influence had been used for that purpose? Mr. Pitt explained in what manner the words—a *comfortable way*,—had been

introduced into the report, and then spoke of Doctor Willis as a person well known in the country in which he lived, by his character, and by the happiness which he had been the means of diffusing to the numerous families who blessed him for the effects of his skill.

Having disposed of this preliminary matter, Mr. Pitt entered on the great business of the day, which he said was to provide for the existing deficiency in the personal exercise of the royal authority,—a deficiency for which no previous provision had been made. As the cause of this deficiency, he had every reason to think, would prove but temporary, the House must deliberately consider what were the cases for which they were to supply a remedy. Their first object was to secure the establishment of a government in the country, equal to its safety, and to the dispatch of public business. But out of the nature of such a provision another duty of equal importance arose, to take care that the measure embraced did not go beyond the necessity of the case. The committee were to provide powers for the exercise of the government, and they must be careful to place those powers in proper hands; but, above all things, to recollect, that they were not placing a King on the Throne. They were to remember that the throne was full, that no right, any where, existed to exercise the royal authority, but that which was conferred by the two Houses, and that they had to provide against any embarrassment in the resumption of the regal authority, whenever God, in his providence, should permit the rightful holder again to exercise it. They were to provide only for the necessity of the case, and not to exceed it; and, therefore, the measures which he should propose, would be to invest his Royal Highness the Prince of Wales with the whole royal authority, to be exercised in the name, and on the behalf, of his Majesty, under such limitations and restrictions only as should be provided. The principle was not new, although the circumstances of the case happened to be unprecedented. No man would say, that the same power which the principal exercised ought to be given to the delegate; and, if the House referred to precedents, they would find that no one instance could be found of the whole of the royal prerogatives having been so delegated. On the contrary, every precedent which bore the smallest analogy to the present situation

evinced the direct contrary ; and that, doubtless, with a view to facilitate and ensure the resignation of the delegate, when the principal should be competent to exercise or to resume his authority.

Having referred them to the Act of Succession, the Regency Act of George the Second, and the Regency Act of the present reign, Mr. Pitt called upon the House to consider the case of a Sovereign in a state of infancy. Was the Regent of the country, in such a case, invested with full and unlimited power to exercise the royal authority ?—Undoubtedly not. In every one of the Regency Bills, to which he had referred, there were limitations. All the powers might be given, but then it was always considered as unsafe to vest them in one person. He laid particular stress on the Regency Bill in the reign of George the Second, when great doubts were entertained by both sides of the House, on the degree of confidence to be reposed in the Regent. Afraid of establishing a dangerous precedent, they divided the royal powers amongst many, by appointing a council, without whose consent the Regent could take no important step whatever. By one of the bills, the will of the predecessor was to be the rule by which the system of government was to be regulated, while the heir apparent continued a minor ;—a principle which, he owned, he thought, went too far, although it was a plausible principle, and was, apparently, most applicable to the present case.

To fetter the will of a Regent, or of a Council of Regency, during a minority, was certainly to carry the principle of restriction to an unwarrantable extent. But, in the present instance, in which the Sovereign laboured only under a temporary incapacity, where his will was clearly and distinctly ascertained ; where the system of his government was known to be at variance with the avowed principles, and recorded opinions, of those men who were destined to be the ministers of the Regent, every principle of public policy, of respect for the King, and of regard for the safety of the country, not only sanctioned, but imperatively required, the imposition of a similar restriction. If the regency had actually taken place, and Mr. Fox been made prime minister of the country, can there be a doubt that he would have brought

forward his own system for the government of India, and that he would have supported, with the weight and influence of the administration, the proposition for repealing the Test and Corporation Acts? Had he preserved any firmness and consistency of principle, he must have pressed the adoption of such measures on the Regent. They were measures against which the King had protested in the most solemn manner; and the proposal of one of them had made him dismiss his ministers from his service. What the feelings of his Majesty, on the resumption of his authority, would have been, at finding such a radical change of principles, and of conduct, in the ministers of the Crown, may easily be conceived. But it is not merely as a question of feeling (though, limited to that point of view, the argument is strong) that the matter is to be considered. The safety and prosperity of the country depend, in a great degree, on the strength and stability of the government; and nothing tends so much to weaken the government, as difference of principles, and inconsistency of conduct, in those who are entrusted with the care of it. Mr. Fox and Mr. Pitt were completely at issue, on measures of primary importance to the welfare of the state. Mr. Pitt had prevailed, and had begun a system of government, compatible with his own notions of policy, but utterly incompatible with those of Mr. Fox: some of the measures, necessary for the support of that system, had been adopted, but had not yet had time to produce the desired effect; and others were in a state of preparation; the accession, therefore, of Mr. Fox to the ministry, by completely overturning the whole of this system,* would have debi-

* It may, possibly, be objected to this inference, that Mr. Fox's conduct, when he last came into power, on the death of Mr. Pitt, is sufficient to prove that he would not think himself bound to act as a minister, in pursuance of the principles which he had avowed, and of the system which he had recommended, as a leader of Opposition;—but the cases were widely different, as well as the circumstances of the times.—In the last instance, Mr. Fox had, for his associates in power, men who had publicly and systematically differed from him, for a number of years, upon almost every leading principle of government; and it is fair to suppose, therefore, that a certain compromise had taken place between them, the object of which was to prevent the discussion of those questions on which they entertained opposite opinions; besides, Mr. Fox had, by that time, profited very much by experience, and had, probably, convinced himself too fully of the fatal effects of innovation to be solicitous to try political experiments in his own country.—But, at the period of the Regency,

litated the government, and have deprived it of that public respect which is essential to its support. It is not necessary, for this argument, to decide between the political principles of these rival statesmen; it is sufficient to know that the King disapproved those of the one, and approved those of the other.—Neither could the personal character of the Regent, (allowing him to possess the highest sense of honour, the strictest delicacy, and the most steady patriotism, which no one ever attempted to deny, or even to doubt,) alter the state of the question; he sufficiently displayed his sense of the two systems, by the marked preference which he gave to Mr. Fox, and to those who had supported him in all the political contests in which he had been engaged. There was every motive then, and every reason, for making the will of the Sovereign, the rule of his *representative's* conduct; nor is it, indeed, very easy to perceive, with what propriety a system, in opposition to that will, which had recently been so clearly manifested, and so fully expressed, could be adopted and pursued. What is here said, however, applies only to the *temporary* exercise of the sovereignty, by a Regent, with a view to the resumption of the regal power by its lawful possessor, at no distant period. If the incapacity were permanent, or of long duration, the safety of the state would require that the Regent should be entrusted with much greater powers, and be left to act for himself, in all the plenitude of sovereign authority.

Mr. Pitt, after merely advertng to this *plausible principle*, and making only a partial application of it to the case in point, endeavoured to demonstrate, by argument, that as, in no preceding instance, all the powers of royalty were given to one person, so, in the present instance, they ought not to be, nor could they be, trusted in the hands of one person, without proving a hazardous and, possibly, a prejudicial experiment; and he declared, that he would give his vote for investing the Regent with all the powers which were necessary, but would not agree

he was very differently situated; he would have had, for his colleagues, men of his own principles, who agreed with him in most of the measures, if not in all, which he had proposed; and those measures had been so recently the subject of discussion, that pride, as well as principle, would have led him to enforce their adoption.

to give him any which were not requisite to carry on the government of the country with energy and effect.

The first restriction he meant to propose was, that the authority of the Regent should not extend to the creation of one peer, except such of the royal issue as should attain the age of twenty-one. There were three grounds, he conceived, upon which this branch of the prerogative was intrusted by the constitution to the Crown, none of which were applicable to the present case. First, it was designed to enable the King to counteract the designs of any factious cabal in the House of Lords, which might have acquired a predominant influence in their deliberations. But was it at all probable, that the government of his Royal Highness should be obstructed by any such cabal? He, for one, was ready to declare, that he should give no opposition to any administration which the Regent should choose to form, so long as their measures were compatible with the prosperity of the kingdom. On the other hand, he said, such a number of peers might be created, as would considerably embarrass his Majesty's government, on the event of his restoration to health. Secondly, this power was vested in the Crown, to enable the Sovereign to reward eminent merit, and thereby to invite others to the same laudable exertions in the public service. But was it, he said, to be supposed that, for want of such an incentive for a few months, the country was likely to be deprived of the service of men of merit? If his Majesty recovered, as they all hoped, and had reason to expect, he would, the power of creating peers might be exercised by the rightful holder of the prerogative; but if, unfortunately, his Majesty should grow worse, and be pronounced not likely to recover for a long time, Parliament would have it in its power to take off the restriction, and vest the Regent with an authority, which, though not at present, might, in time, become, necessary to the carrying on of a powerful government. Thirdly, this power was designed to provide for the fluctuation of wealth and property in the country, that, by raising men of great landed interest to the peerage, that branch of the legislature should be always placed upon its true and proper basis. But, surely, it would not be contended, that it was necessary to provide, in a temporary plan, for exigencies which could only arise from

the lapse of considerable periods of time. For all these reasons combined he should propose, that the Regent should be restrained from the exercise of this part of the prerogative.

The next restriction, proposed by Mr. Pitt, was, that the Regent should not grant any pension or place for life, or in reversion, other than such place as was, from its nature, to be held for life, or during good behaviour. This restriction, he said, flowed from the same principle which supported the former: it was calculated to prevent his Majesty from being put on a worse footing, should he recover, than he was on before his illness; and it could not be said that the power restrained by this limitation was necessary to a Regent.

The object of the next restraint was to prevent the Regent from exercising any power over the personal property of the King. Mr. Pitt, on this occasion, observed, that he scarcely thought it necessary to pass this resolution, as it was not probable his Royal Highness should interfere with his Majesty's personal property in his life-time; but as they were acting on Parliamentary principles, he thought it his duty to submit it to the committee.

Mr. Pitt's last resolution went to intrust the care of the royal person, during his Majesty's illness, where, of course, all men would be unanimous in thinking that the royal person ought to be placed, under the guardianship of the Queen; and, with this trust, it was his intention to propose to put the whole of his Majesty's household under her authority, investing her with full power to dismiss and appoint, as she should think proper. He expressed his opinion, that the Queen could not, without being invested with this control, discharge the important trust committed to her care. These officers were, for the most part, in actual attendance upon his Majesty's person, and he did not see how they could be put under the control of the Regent, while the care of his Majesty, upon whom they were to attend, was trusted to another person. He admitted that the Lords of the Bed-chamber might not be thought absolutely necessary, then, when their attendance could not be required; but, on the other hand, a generous and liberal

nation would not have it said, that, in the moment of the King's illness, they had become so very economical, that they would not bear the expence of supporting, till his recovery, those officers who formed part of his royal state. It would be no pleasant thing to his Majesty to be told, should he, on his recovery, call for some one of those Lords who used to be about his person, that they had been dismissed, that the nation might save the expence attending their offices.

It was further proposed by Mr. Pitt, that a council should be named to assist the Queen with their advice, whenever she should require it; not to have any power of control, but barely that of giving advice, and of satisfying themselves, daily, of the state of the King's health; and that they, or some others, should be appointed to manage the real and personal estate of the King; with this restriction, not to alienate, nor to dispose of, any part of it, except by lease.

Mr. Pitt concluded with moving:—"That it is the opinion of this committee, that, for the purpose of providing for the exercise of the royal authority, during the continuance of his Majesty's illness, in such a manner, and to such extent, as the present circumstances, and the urgent concerns of the nation, appear to require; it is expedient that his Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the royal authority, according to the laws and constitution of Great Britain, and in the name, and on the behalf, of his Majesty, and under the style and title of Regent of the Kingdom; and to use, execute, and perform, in the name, and on the behalf, of his Majesty, all authorities, prerogatives, acts of government, and administration of the same, which belong to the King of this realm to use, execute, and perform, according to the laws thereof, subject to such limitations and exceptions as shall be provided."

Mr. Powis attacked the proposed resolutions with considerable asperity; he condemned, without discrimination, as without reserve, the whole of Mr. Pitt's plan, which he strangely represented as destructive of that constitution which it was its avowed object to preserve entire. He argued, indeed, as if the Prince were to be, to all intents

and purposes, King, in the same manner as if his Majesty had suffered an actual demise. And, acting upon this persuasion, he insisted on the Prince's right to the Regency without limitation or restraint; and, accordingly, moved an amendment to that effect. His motion was seconded by Lord North, who followed him on nearly the same ground, only adopting a little more discrimination in his censures, and deeming it necessary to employ arguments in support of his assertions.

Mr. Sheridan, as usual, made a personal attack on Mr. Pitt, and was lavish of his accustomed raillery and ridicule. Mr. Fullarton followed on the same side, and adduced instances from the French history, in the reign of Charles the Sixth, to prove, that restrictions imposed on a Regent, produced inefficacy, counteraction, calamity, and disgrace.* In that reign, in the year 1392, the Duke of Orleans, the first Prince of the Blood, *was appointed, by letters patent, Regent of the Kingdom, without any sort of restriction* :† but his conduct was so profligate, abandoned, and oppressive, that it was determined by the council, in 1401, that he should no longer enjoy that office, which was then settled on the King's uncle, the Duke of Burgundy. And it was the rival feuds of those Princes which reduced the kingdom to that deplorable state which Mr. Fullarton represented as proceeding from the mutilated powers of the Regent. "The Duke of Orleans was compelled to conform to this decree of the council, but he secretly nourished a spirit of resentment, at the preference which was given to the Duke of Burgundy, which proved equally fatal to himself, and to the repose of the kingdom. Such was the prelude to the disorders which the ambition of the two rival Houses was destined to produce; while the nation, as if bent on its own destruction, had the madness to divide into parties, and to espouse, with inveterate rage, and ruinous

* Annual Register for 1789, page 116.—The writer of that work observes, that, "Mr. Fullarton concluded with reciting a part of the History of France, which bore so strong a similitude, in some of its circumstances, to the situation they were in, that some of the members were in doubt whether it were a real story, or invented for the purpose." Any member on the other side, by a reference to the same period of the French history, might have found, at least, as solid grounds for the defence of his own arguments.

† History of France, 4to. Vol. II. page 339.—Ibidem, page 356.

animosity, the quarrel of those Princes, who only fought for the right of oppressing the people.”

On the other hand, the resolutions were strongly and ably supported by Lord Belgrave and Mr. William Grenville. His Lordship professed his esteem for the Prince of Wales, and declared he had an implicit confidence in his virtues; but observed that, in such a case as the present, when they were about to establish a precedent, and to provide an example, as it were, for posterity, they could not proceed with too much caution. There might hereafter exist an heir apparent, who,* equally deaf to the ties of nature, and regardless of the interests of the people, might connect himself with a desperate faction, and, forgetting what was due to his own character, and his exalted station, might afford the nation a melancholy prospect of what they were to expect, when he came into power. God forbid, said his Lordship, that such an one should exist; but as the transactions of the times would, doubtless, form an important æra in our history, it was their duty to guard against the possible danger of the Regent being surrounded by ill-advisers, and his mind being warped by the councils of an unprincipled faction, who had once already made a violent attack on the constitution of their country.*

Mr. Grenville entered very much at large into the question, and considered it in every possible point of view. He examined the validity of a position maintained by persons in both Houses:—“ That although the two Houses of Parliament constitute the only power competent to act on this occasion, yet that they can lawfully proceed no farther, than to call some person to the exercise of the royal authority; and that whatever other provisions the existing circumstances may require, must be made hereafter, with the consent of such person then representing the Sovereign, and exercising, at his own discretion, the legislative functions of the Crown.” In support of this proposition, the Statute of the 13th of Charles the Second, Cap. I. had been

* Impartial Report of all the proceedings in Parliament on the late important subject of

* Regency, &c. page 300.

quoted ; but that this statute was not applicable to the present circumstances, was evident, he said, from hence, that it would apply equally to every step that could be taken, and the only inference that could be drawn from it, would be, that we were now in a situation for which no legal remedy could, by any possibility, be provided. The necessity of the case was, therefore, to supersede all law.—Mr. Grenville then proceeded to consider the cases of the Restoration, and the Revolution ; and, by distinguishing the points in which they agreed from those in which they disagreed, from the present circumstances, justified the mode of proceeding adopted by Mr. Pitt. He contended that the more strongly we recognize the right of inheritance to the Crown, in the event of a demise, the more essential it becomes us to guard, with the utmost jealousy, against the admission of any principle which leads to the assertion of such a right when there is no demise, and against the adoption of any measure which might afford the means of superseding the King's authority, during his life, under the name and influence of that person on whom his Crown would, in the course of nature, legally devolve. He next laid down the principle upon which he conceived the propriety of limiting the powers of the Regent was grounded ; this was, that at the same time that a form of government should be established, capable of conducting the public business with energy and effect, complete and ample security should be provided for enabling his Majesty to re-assume the exercise of his authority, fully, freely, and without embarrassment. On this ground, he maintained, our ancestors had acted, on all similar occasions, never vesting the whole of the regal power in a sole Regent. The mode of restriction had, indeed, for the most part, been different from that which was now proposed, but the principle had been the same. The royal powers had been generally divided among a number of persons forming a council of regency ; but now it was the unanimous opinion, that one Regent only should be appointed, and that he should be the Prince of Wales. But if, by general consent, we departed, in this respect, from the practice of our ancestors, it surely could not be reasonable to argue, that we were, therefore, bound to adhere to it, in another point so intimately connected with the former. It could not be a just conclusion to say that, because they committed the whole authority of

a King into the hands of a Regent, controlled and fettered by a fixed and permanent council, it was proper for us to delegate the same power to a single person, unrestrained by any similar check. It seemed, on the contrary, that the more widely we departed from one line of limitation and restraint, the more we were bound to look to some other mode of carrying the same purpose into effect.

Mr. Grenville next observed, with great propriety and truth, that it was by no means a just conclusion, either from the theory, or from the practice, of the British constitution, or from any general principles of government, that the same powers which might be intrusted, with propriety, to the permanent authority of a King, were equally fit to be committed to those hands which were to exercise the temporary and delegated functions of a Regent. The provisions which respected the prerogatives of the Crown, in this country, he said, were adapted to the ordinary course of an established government, and were calculated for a long continuance. Because, if Parliament were in the constant habit of regulating and directing the exercise of the prerogatives of the Crown, those prerogatives would, in fact, become the prerogatives, not of the Crown, but of the Parliament itself. It was, therefore, just and prudent, that, in apportioning these, a due consideration should be had, not of the necessities which existed at one precise moment, but of those which might be likely to arise within a considerable compass of time. But in the establishment of a regency, the case was directly the reverse. We were to look, not to the general exigencies of government, but to those occasions which might probably exist, during the period for which the system so provided was intended to continue.

This was so just and obvious a distinction, a distinction too so essential to the formation of a right decision on the question, that it is impossible to read the debates of this period without feeling considerable astonishment, that it should have escaped the observation of other members, who took a part in the discussion, and that its force and justice should not have been universally admitted by the House.

Mr. Grenville pursued this line of argument, by adding, that as for this reason there might be much less ground to justify the grant of particular powers, so, on the other hand, there would be always infinitely more temptation to abuse them. The permanent interest of a Sovereign would frequently operate as a restraint on him, in those very points where the possessor of a temporary authority, however near to the Crown, in prospect or expectation, would feel himself most desirous, and would most strongly be urged by others, to exceed the limits of a just and sound discretion.—Having endeavoured to impress these truths upon the House, with great energy, he proceeded to consider the proposed restrictions on the Regent. He expressed his entire approbation of that restraint, meant to be imposed on the power of creating peers, on two distinct grounds. First, on his conviction that, from the shortness of the period for which the House was called upon to provide for the existing deficiency in the exercise of the supreme power, no possible inconvenience could arise from such a restriction, whence it followed, that there existed no necessity for delegating this power to any other hands; and, therefore, according to the principle which he had before laid down, they had no right to confer it on the Regent. But, he observed, there was, in the second place, a more important consideration which applied to the subject. Of all the powers of the Crown, this was the most liable to be abused under a delegated and temporary government; and it was also *that* from the abuse of which the most injurious consequences would arise to the permanent interest of the Sovereign. The power to create, at discretion, a lasting influence on the deliberations of one of the branches of the legislature, was a prerogative of so high a nature, that nothing but a strong necessity would justify that principle of the constitution, which had placed it in the hands of the Sovereign himself. As exercised by him, it was, however, subject to this restraint, that the mischiefs attendant on its abuse operated against the peace and security of that government, of which the King was not only in actual possession, but which he was to retain for the whole period of his life, and which he could have no interest to weaken or to embarrass. The case of a Regent was widely different. If they supposed him unhappily to be misled by the councils of men desirous of availing themselves of a short interval of autho-

rity, in order to establish for themselves an influence in the state, paramount to that of their Sovereign, what other mode could be so naturally resorted to for that purpose as the abuse of this particular branch of the prerogative? It should be further considered, said Mr. Grenville, that, in the present case, exactly in proportion as the probability of the King's recovery increased, the force of this restraint would gradually be weakened, and the temptation to the abuse would grow more powerful. The persons who advised the Regent would then feel it *less likely* that the consequences of any misconduct of theirs in this respect, would be injurious to the government in their own hands, and they might perhaps imagine that they had an interest in the mischiefs which it would entail on the subsequent administration of the Sovereign.—The consideration, therefore, of the shortness of the interval for which they were then to provide, served, at once, to show that no necessity could exist for giving that power, and to afford a great additional weight to the apprehension of danger resulting from it. In the present moment, he could entertain no doubt that the granting it would exceed the limits of their authority; and that even, if that were not the case, it would be the duty of Parliament to withhold it on grounds of expediency.

In considering the other resolutions, Mr. Grenville defended them on the same grounds on which they had been previously defended by Mr. Pitt. His speech took nearly three hours in the delivery, and it fully engaged that attention which, for its eloquence, and the soundness and cogency of its arguments, it so richly deserved. The Committee divided on the amendment, when it was rejected by a majority of *seventy-three*. The second resolution: "That the power so to be given to his Royal Highness the Prince of Wales shall not extend to the granting any rank or dignity of the peerage of the realm to any person whatever, except to his Majesty's royal issue who shall have attained the age of twenty-one years," was then put, and carried by a majority of *fifty-seven*. The following resolutions were next put, and carried without a division: "Resolved, that the said powers should not extend to the granting any office, whatever, in reversion, or the granting any office, salary or pension, for any other term than during his Majesty's pleasure, except such offices

“ as are by law required to be granted for life, or during good behaviour.” —“ Resolved, that the said powers should not extend to the granting of any part of his Majesty’s real or personal estate, except as far as relates to the renewal of leases.” The fifth and last resolution, which related to the care of his Majesty’s person, was reserved for consideration on the 19th of January, when Mr. Pitt undertook its defence.—He observed that, the foundation of all the measures which he had proposed was the necessity of the case ; the House were bound to provide the means for the dispatch of public business and for the discharge of the executive authority ; they were, also, equally bound to the accomplishment of two other objects ;—the care of his Majesty’s royal person, and the preservation of his dignity, which ought to be inseparable from him during his indisposition. With a view to both these objects the resolution which he should propose had been formed. He could not conceive that there could be any difference of opinion respecting the propriety of trusting the guardianship of the royal person to the Queen ;—for, under the character, the virtue, and the feelings of that great and amiable personage, he felt confident there would scarcely be a heart in the country, which, while it deplored the melancholy and fatal necessity which existed, would not, at the same moment, feel a considerable degree of support and alleviation, in the remembrance that, under such guardianship, with so much propriety and safety, might be entrusted the care of the Sovereign.

The next part of the resolution, on which a difference of opinion might occur, related to the powers given to the Queen to discharge such a trust, on the one hand, and to maintain the dignity of his Majesty’s person, on the other. He reminded the committee that, while they were delegating part of the executive authority to be exercised in the King’s name, they were bound to provide for the safety of their King, that it might appear they had not forgotten that he was still their Sovereign ; and that the representatives of a faithful and loyal people ought not to deprive his Majesty, in his present melancholy situation, of that dignity which he enjoyed in the moment of health.—On that ground, Mr. Pitt observed, he submitted the principle on which he went, contending, that it was indispensably necessary that

her Majesty, in the care to be entrusted to her, should have the whole direction of all who were employed about the King's person. The Lord Steward, the Lord Chamberlain, and the Master of the Horse, could be considered only as the great leading parts of the several divisions of the household, and, therefore, the only question which could arise on the propriety of placing them under the direction of the Queen was, whether the alteration of circumstances rendered it becoming that any alteration should be made in the expence or duty of such officers, as would, with the least degree of decency, countenance the Parliament, in his Majesty's present situation, (which could be considered but as temporary, and which all hoped might prove of short duration) in the attempt to new-model his household, and to so degrade it as to render it less suitable to his dignity? Mr. Pitt pressed this point on the attention of the committee, appealing alternately to their feelings and to their judgment. It had been objected, that such a power, being entrusted to her Majesty, would give so great an influence, and so extensive a patronage, as to render it impracticable to carry on the business of government with effect. This objection was founded on the supposition that a degree of political influence would accompany the possession of patronage. He admitted that such influence, if likely to be exercised, would be an evil: but he contended that, as in forming establishments for other branches of the Royal Family, such patronage and such influence had been given, and no evil consequence had resulted from the gift, so it was not fair to infer, that any evil could result from the bestowal of them upon the Queen. The danger, so unnecessarily apprehended, could only arise from the supposition that those who were now in his Majesty's service would act in opposition to another administration. Should that be offered as an argument, he should deny the truth of it. Supposing; even for a moment, that such a conduct was likely to be pursued.—A factious opposition, he was bold to say, they would never engage in; he wished not, however, that any man should rely on his assertion, or on the assertion of any other person; it was public conduct alone which spoke to the people the conduct of public men. He then asked whether, if they pursued the conduct of a desperate faction, or cabal, it was likely they should meet with support from the people equal to that

which they had received while in government? Was it likely that such a faction would be supported by the country at large, which depended on the independent members of that House, and on the people? Whatever might be the patronage annexed to the powers proposed to be granted to her Majesty, was it likely that, in such hands, it would be employed to enable a faction to obstruct, with its weight, the government of the Regent? And, if so employed, could it prevail over the accumulated patronage of government? But did it appear probable, that the Queen would support a faction thus to oppose the wise and prudent measures of her Son? Was it likely that his Majesty's ministers, in the present calamitous and distracted state of affairs, forgetful of their duty to the country, forgetful of their duty to the constitution, and forgetful of their duty to him, whose dearest interest was the welfare of his empire, would neglect the interest of the people, to form a factious opposition, in order to obstruct the necessary measures of government? Could it be supposed, that persons, standing in such a situation, would factiously unite, to the injury of a country, or of a government, to which they might, on his Majesty's recovery, again be called, and the interest of which it had appeared to be, and ever would be, their honour and ambition to advance. He wished again to ask, whether, in the situation in which her Majesty was placed, it appeared likely that she should support such a faction as he had described? It was an idea which he did not believe was felt or imagined by any one, on which he therefore would not dwell any longer. It was due to his Majesty, from a loyal people, not to destroy that system which he had adopted for the management of his household. The committee ought not to destroy the dignity due to his Majesty, and the care of his Majesty, and the government of the household, ought to be entrusted to the Queen. He concluded with moving his fifth and last resolution;—"That the care of his Majesty's royal person, " during the continuance of his Majesty's illness, should be committed " to the Queen's most excellent Majesty; and that her Majesty " should have power to remove from, and to nominate and to appoint " such persons as she shall think proper, to the several offices in his " Majesty's household, and to dispose, order, and manage all other " matters and things relating to the care of his Majesty's royal person,

“ during the time aforesaid ; and that, for the better enabling her Majesty to discharge this important trust, it is also expedient that a council should be appointed, to advise and assist her Majesty in the several matters aforesaid, and with power, from time to time, as they may see cause, to examine, upon oath, the Physicians and others attending his Majesty’s person, touching the state of his Majesty’s health, and all matters relative thereto.”

Lord Maitland (the present Earl of Lauderdale) attacked the resolution with great warmth, and insisted that, by its adoption, the committee “ would give the lie to their principles.”*—He reprobated the proposition for maintaining the regal dignity, which, he said, “ was a dignity, under the present unfortunate and mortifying circumstances of the King, unfit to be bestowed, and could only beget contumely ; it was a dignity that tended not to make his subjects look up to him with reverence, but to make them contemptuous scoffers.”† We do not find, from the Parliamentary Debates of the time, that his Lordship was called to order for this most indecent libel on the people of England ;—for what libel could be more atrocious than the assertion, that because their Sovereign, during the pressure of a temporary affliction, did not sink into the state of a private individual, they would treat him with scoffs and contempt ? His Lordship, too, wholly mistook the ground of the argument.

The question was not, whether any dignity should be *bestowed* on the King ? but whether, because it had pleased Heaven to afflict his Majesty with a severe visitation, it was proper in his subjects to strip him of the dignity which he had always enjoyed, in order to confer it on his temporary representative ? Lord Maitland further contended, that as the House had, “ on a very good principle, resolved, that the Prince, being interested, should not be trusted with the care of the royal person,” they could not, without a violation of that principle, entrust it to the Queen, who would be more interested than the Prince.

* Impartial report of all the proceedings in Parliament, on the late important subject of a regency, p. 312.

† Idem Ibid.

—The extreme delicacy of entering into any argument which related personally to the heir apparent, seems so strongly to have operated on the minds of the members, as to prevent them from exposing the most palpable fallacies, and from confuting the most perverse misrepresentations.—The only interest which, it was even pretended, the Queen could have in the proposed arrangement, was the power to be given her over the royal Household; and the only possible ground of this Lord's argument was, that, in order to retain the appointment of, and control over, the different officers of which it was composed, her Majesty might be tempted to adopt a line of conduct, the effect of which would be to keep her Husband, and her Sovereign, in the unhappy state to which he was then reduced. And a supposition so monstrous, that one is at a loss to conjecture the construction of that mind which could harbour it for a moment, was to be opposed to that prominent and overbearing interest which must arise out of the possession of regal power, and the certain prospect of its speedy loss. There might be nothing in the character or disposition of the Prince to justify the belief that he, personally, would suffer his interest to rise superior to his duty; but the Parliament were then called upon to legislate, as it were, for future times, by the establishment of a precedent; and it was, consequently, their duty to provide against every possible abuse of power, to which any Regent, of different principles, sentiments, and feelings, from the present Prince of Wales, might have recourse. This objection, too, came with a peculiarly bad grace from the men who made no secret that they themselves were destined to be the ministers of the Regent, and some of whom, of course, expected to enjoy those very situations in the royal household, which they objected to commit to the care and discretion of the Queen. Mr. Grey, indeed, who followed and supported Lord Maitland, avowed this ground of opposition; for he contended, that while the proposed restrictions were totally inadequate to oppose the vast power with which the Regent would be invested, they would, nevertheless, obstruct him in the just and useful exercise of his power, "they would limit him in the choice of his political servants."

The resolution was supported by Mr. Pulteney and Mr. Dundas,

and was further opposed by Mr. Fox, who attacked the doctrine advanced by the law officers, "That the King's political character was, " in the eye of the law, inseparable from his personal—that it remained entire and perfect—and would continue so to do until his " natural demise." He said, he had often wished, in vain, to hear this doctrine explained, for how that person, whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understanding to comprehend. The doctrine partook of, and seemed, indeed, to be founded on, those blind and superstitious notions, by which, as they all knew from history, human institutions had been, as it were, deified, and which were inculcated for the purpose of impressing a strong and implicit reverence of authority in the minds of the multitude. If such was the point of view in which it was wished to consider this mysterious character of complete political existence, without political capacity, he could only observe, on the doctrine of the lawyers, that they took up the superstitions of antiquity, and rejected the morality; for, while they thus enveloped the sacred person of Majesty with a political veil, which, by ancient superstition, was calculated to inspire awe, and secure obedience, they were labouring to enfeeble the arm of government, to cripple it in all its great and essential parts; to expose it to hostile attack, and to contumely; to take from it the dignity which appertained to itself, and the use for which it was designed towards the people. It had been said, that a subject's allegiance should continue during the life of the King, whatever might be the condition of his mind. This, Mr. Fox said, was, in some respects, true; but if it were admitted as an argument for the limitations contended for; and this allegiance was made to depend not on the political capacity, but on the bare personal existence, of the Sovereign, then all which they had heard, that these limitations were but temporary, and that the time would come when they must be revised, and the full power be given to the Regent, was false and absurd. For, whether the King's malady endured one year, or thirty years, it was precisely the same in the contemplation of this doctrine; and the legislature could not vest the full powers of the Crown in any other hands, while the person of the King remained.

Mr. Fox expressed his indignation and abhorrence of the project of putting into a state of competition persons so nearly connected by blood, by duty, and by affection, and thereby exciting that mutual jealousy, which, in some degree, is inseparable from the human mind. How much, he said, had they to answer for, who, with a perfect knowledge of this weakness of human nature, wickedly and wantonly pursued a measure which might involve the empire in endless distractions.—At the close of his speech, Mr. Fox asked Mr. Pitt to what period of time he proposed to confine the limitations?—What revenue he meant to assign to his Royal Highness, and who were the persons of whom the council of advice was to consist?—On the subject of the second of those questions Mr. Fox said, that the feeling of the Prince for the distresses of his country, and his decided objection to increase its already too grievous burdens, would make him revolt at the idea of imposing any new taxes, for the purpose of raising a revenue to supply the charges of his government.

This last observation was unworthy a statesman, and could only be considered as a pitiful attempt *ad captandum vulgus*. No one knew better than Mr. Fox, that the support of the Regent, in that state of splendour, which became his rank, would not be granted for the gratification of his personal feelings, but for maintaining the character and dignity of the nation; and that, as these would be affected by withholding the necessary means, any motion for that purpose should originate in Parliament; it could not be a *personal*, but a *national*, sacrifice.

In answer to Mr. Fox's questions, Mr. Pitt said, that whenever the physicians should pronounce that his Majesty's recovery was less probable than it had been, he should think it necessary to remove most of the restrictions, and to new model the household. The council for the Queen would consist of the great officers of the household, with the addition of some prelates. As to the revenue to be provided for the support of the Regent's dignity, he should not be deterred, by the unpopularity of such a measure, from proposing, as his last act, whatever additional burdens it might require to be laid on

the people. The resolution was ultimately carried by a majority of fifty-six.

Immediately after this division, Mr. Rolle revived the subject of the reported marriage of the Prince, by observing, that he had given his consent to the appointment of the Prince of Wales, as Regent, only on the ground that he was not married to Mrs. Fitzherbert, either in law or in fact; and he was proceeding to make some further remarks, when he was called to order by Sir Francis Basset, who insisted that no member should use such language unless he was prepared to submit some specific proposition to the House on the subject. As this was a simple assertion, unsupported by any attempt at argument, it is impossible to conceive on what principle it was grounded. It was not only the right, but the duty, of every member of the House, when called upon, to exercise the important function of appointing a Regent, to ascertain, with certainty, whether or not there existed, in the person to whom the choice of Parliament was directed, any legal disqualification for the office; and if the Prince of Wales had been really married to a catholic, there can be no doubt that such marriage would have constituted a complete disqualification. Mr. Rolle, then, was perfectly in order, and the attempt to interrupt him only served to shew the strong prevalence of party-spirit, and the disinclination, so little creditable to the House, to discharge an imperative duty, without regard to personal considerations. Mr. Rolle, with equal propriety and firmness, repeated his expressions, and added, that the explicit disavowal of the marriage to which he referred, by Mr. Sheridan, on a former occasion, had so far convinced him as to make him vote for conferring the Regency on the Prince, although he had, since both heard and read, (alluding to Mr. Horne Tooke's Pamphlet) that the disavowal was not warranted. At the same time, he apprized the House of his intention (from the execution of which no threats nor opposition should deter him) to move several clauses, relating to the point in question, when the bill should be brought in. This allusion to Mr. Tooke's Pamphlet led Lord North to observe, that the author had begun with declaring, that the marriage act *was no law*; and if assertions, stating an act passed by King, Lords, and Commons. to be no law,

were to obtain belief, we were in a state of nature, and there was an end of all government.

The resolutions having now finally passed the Commons, were communicated to the Lords, at a conference, on the following day. They were taken into consideration by the House of Peers, on the twenty-second of January, when they were defended, on the one hand, by Earl Camden, Lord Sydney, the Marquis of Carmarthen, and the Lord Chancellor,* and opposed, on the other, by the Bishop of Landaff, Earl Fitzwilliam, Lord Sandwich, Lord Loughborough, Lord Stormont, and Lord Porchester. The last nobleman, in particular, delivered his sentiments with great warmth, and arraigned the ministers as *usurpers*, for having presumed to retain their offices, after the established incapacity of their Sovereign. Had they, however, immediately *abandoned* their posts, for *resignation* was out of the question, there being no legal officer into whose hands the seals of office could be resigned, anarchy must inevitably have ensued, and a most severe responsibility would have attached to their conduct. Nothing new, however, in the way of argument, was offered, and, on a division, these resolutions were carried by a majority of twenty-eight, except the last two, which were reserved for discussion on the following day, when another debate ensued, still unmarked by any novelty of reasoning, and those resolutions finally received the sanction and concurrence of the House. This being communicated to the Commons, Mr. Pitt moved, on

* During these discussions, Mr. Pitt and his friends were extremely suspicious of the Chancellor Thurlow, whose conduct, at the time, extorted the applause of the public for its firmness and consistency; but who, as his associates well knew, had frequent conferences with the Prince of Wales and Mr. Fox, at Carlton House. And there was good reason to believe that, before the Chancellor first delivered his sentiments on the regency, in the House of Lords, in strong and decisive terms, he had actually made his terms with the Prince's Party.

Lord Loughborough, it is well known, was to have been Chancellor, on the establishment of the regency; but, as he was sitting on the bench, in the Common Pleas, one day, during the discussions on the subject, Mr. Fox went to speak to his Lordship, and told him he must give up all thoughts of the seals, as it was of the utmost consequence to secure Lord Thurlow, whom nothing else would satisfy. This fact is stated upon such authority as does not allow me to doubt of its authenticity.

the 27th of January, "that a committee be appointed to attend his Royal Highness the Prince of Wales, with the resolutions which have been agreed to by the Lords and Commons, for the purpose of supplying the defect of personal exercise of the royal authority during his Majesty's illness, by empowering his Royal Highness to exercise such authority, in the name, and on the behalf of his Majesty, subject to the limitations and restrictions which the circumstances of the case appear at present to require; and that the committee do express the hope which the Commons entertain, that his Royal Highness, from his regard to the interests of his Majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in his Royal Highness, as soon as an Act of Parliament shall have been passed for carrying the said resolutions into effect." A debate, or rather conversation, followed this motion, in which Mr. Pitt was reproached, in strong language, by Mr. Grey and Mr. Burke, with having acted on no regular plan or system, in the conduct of this important business, and with having treated the Prince of Wales with marked disrespect, by sending to his Royal Highness an ordinary summons to attend the Privy Council, when the physicians were examined before it, previous to the meeting of Parliament; by neglecting to apprise him of the intended restrictions on the regency before they were discussed in Parliament; and by afterwards communicating them in an unbecoming manner.

To this Mr. Pitt answered, that, as to the first charge, he might easily get rid of it, by transferring any blame which might be supposed to attach to it to the Lord President of the Council. He disdained, however, to avoid taking his share of the blame which might be deemed imputable to any measure of that respectable and venerable personage, with whom it was the pride and happiness of his life to act. In regard to the charge of not previously consulting the Prince, he was ready to acknowledge its truth. His Majesty's ministers had not conceived it to be their duty to receive orders from the Prince of Wales, at a time when they were the servants of the Crown, and when his Royal Highness was in no political capacity whatever, nor had any authority to give his Majesty's ministers a single order of any description. They

felt that theirs was the responsibility for every step which they took, and they knew that theirs ought, of consequence, to be the discretion. With respect to that charge, relating to the summons, and stating, that his Royal Highness had received no other than the ordinary notice sent round to every other member of the Council, it was, evidently, founded on gross misinformation. So far from its being true, his Royal Highness had received a special letter, written by the Lord President of the Council, stating the subject to be submitted to the Privy Council, and the business to be entered upon ;—the Prince, therefore, had been summoned in a manner the most respectful, and totally different from that in which any other member of the Privy Council, excepting only the Princes of the Blood, had been summoned.

The next charge Mr. Pitt said affected himself personally ; it was that of not informing the Prince of the measures which he meant to propose to Parliament. The truth of this fact, also, he must admit. But he begged to remind gentlemen of the circumstances which had led to the fact now complained of. He had resolved, as soon as a plan should be adjusted, to impart it to the Prince, before he stated it to the House, but, in the course of the preliminary debate, on the question of right, he had been particularly called upon to state the general outlines of his plan, by Mr. Fox, who declared, that such information would be equally desirable to him and to his friends. When so called upon he could not possibly, without giving offence to the House, withhold the information requested. The very next day his plan was communicated to the Prince. As to the disrespectful mode in which the communication was made, report had gone to such an extravagant length, that he believed it had gained credit about town, and he was sure it had been circulated in the country, not only that a message had been sent by a livery-servant, but that the message had been a verbal one. The truth, however, was, that the communication had been made respectfully in writing, and the letter had been sent by a special messenger. Perhaps, he said, there might be a failure of respect in this mode of communication. No man, he acknowledged, was more ignorant of etiquette than he was ; but he was conscious of no intention to shew disrespect to his Royal Highness. He had repeat-

edly made communications to his Royal Highness before, in precisely the same mode, without incurring the smallest animadversion for a failure in etiquette, or for a breach of respect; and, during the five years that he had been in administration, he had never communicated any of the numerous papers and dispatches which he had, from time to time, had occasion to transmit to his Majesty, in any other manner; and he certainly had never intended to shew disrespect to the Prince of Wales, in the instance alluded to, more than he had intended to shew to his Majesty, during the period for which he had been honoured with the royal confidence.

Mr. Pitt declared, in the course of his observations on this subject, that he considered respect to the Prince of Wales as a part of his duty to his Sovereign, but though he should be extremely sorry to be deficient in that exterior and ceremonious respect, which was justly due to his Royal Highness, yet what he owed to his Sovereign, to the constitution, and to the people of England, was paramount to any personal respect due any where. Though it was paramount, however, to all degrees of personal respect, it was not inconsistent with such a compliance with decorum;—he ever had, and he ever would, pay the same respect to the Prince of Wales, as to all the rest of the Royal Family, or to the Sovereign himself. The truest respect he could pay to all of them was to cultivate the interests of that nation, which the ancestors of the present Royal Family were called upon to govern, and to watch over the safety of that constitution, which his Royal Highness the Prince of Wales would, one day, be called upon to protect. A better answer could not be given to his accusers. Mr. Pitt's motion passed without a division; as well as another for transmitting the resolution relating to the care of the King's person and household, to the Queen; and expressing a hope that her Majesty would be graciously pleased to undertake the important trust proposed to be invested in her, as soon as an Act of Parliament could be passed for carrying the resolution into effect. The concurrence of the Lords having been obtained to these resolutions, they were presented to the Prince of Wales and the Queen. The Prince, in his answer, thanked the joint committee of Lords and Commons, appointed to wait on him with the resolu-

tions of the two Houses, for communicating them to him, and requested them to assure the two Houses, that his duty to the King, his Father, and his anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority ; together with his respect for the united desires of the two Houses, outweighed, in his mind, every other consideration, and would determine him to undertake the weighty and important trust proposed to him, in conformity to the resolutions then communicated to him. He was sensible, he said, of the difficulties which must attend the execution of that trust, in the peculiar circumstances in which it was committed to his charge, of which, as he was acquainted with no former example, his hopes of a successful administration could not be founded on any past experience. But, confiding that the limitations on the exercise of the royal authority, deemed necessary for the present, had been approved by the two Houses only as a temporary measure, founded on the loyal hope, in which he ardently participated, that his Majesty's disorder might not be of long duration, and trusting, in the meanwhile, that he should receive a zealous and united support in the two Houses, and in the nation, proportioned to the difficulty attending the discharge of his trust, in that interval, he would entertain the pleasing hope, that his faithful endeavours to preserve the interests of the King, his Crown, and people, might be successful.

The Queen observed, that her duty and gratitude to the King, and the sense she must ever entertain of her great obligations to this country, would certainly engage her most earnest attention to the anxious and momentous trust intended to be reposed in her by Parliament.—It would be a great consolation to her to receive the aid of a council, of which she stood so much in need, in the discharge of a duty wherein the happiness of her future life was indeed deeply interested, but which, a higher object, the happiness of a great, loyal, and affectionate people, rendered still more important.

All the preliminary measures relating to the regency being now completed, and it only remaining to give them legislative force and effect,

the next step which it was proposed to take, after the answers of the Queen and Prince had been communicated to Parliament, and ordered to be printed, was to empower the Chancellor to put the great seal to letters patent for opening the Parliament, by means of a commission to be appointed for that purpose. It was precisely at this point of their proceedings that Parliament might have had recourse to the measure before suggested, and have followed the example of our ancestors at the period of the Revolution. The regency had now been accepted by the Prince, subject to such modifications and restrictions as Parliament had deemed necessary, under the peculiar circumstances of the case. There could then be no reason to apprehend that, when Regent, his Royal Highness would withhold his consent from those restrictive regulations to which he had previously acceded, and which had been made, by Parliament, the specific condition of his appointment. He might, therefore, without danger,—and let it be remembered, that this point must be argued on general principles, and without any reference to the particular individual who happened to be Prince of Wales at the time,—have been appointed Regent, before the bills, for carrying the resolutions of Parliament into execution, were passed into laws.—The royal assent would then have been given to the bills by a legal organ, without having recourse to a fiction, justifiable only by the absolute necessity of the case; and that necessity, if proved to exist, would, perhaps, have equally sanctioned the two Houses in imposing the restrictions, and in enforcing the other necessary measures by their own authority alone. It was, however, otherwise determined; and the question was argued in the House of Lords, on the 30th of January. The Lord President of the Council observed, that being still merely a convention, they could do no one legislative act, till they were enabled so to do by the presence or assent of the Sovereign. Deprived of the assistance of his Majesty, in his *natural capacity*, they were compelled to resort to his *political capacity*. There was but one organ by which this assistance could be obtained, and that organ was the great seal. His Lordship said, he knew that this mode of proceeding had already been ridiculed as a *phantom*. But would those, he asked, who were thus free of their ridicule, impart any other mode by which they could be extricated from their present difficulties?

He said, that those who treated the means to be proposed with ridicule, were ignorant of the laws of the country. A fiction these means might be termed, but it was a fiction admirably calculated to preserve the constitution, and, by adopting its form, to secure its substance. This fiction, in the first place, kept the throne entire, if the King should be living, but incapable, in his natural character, of exercising the royal authority. Secondly, No bill which had not the King's name at the head of it, and, therefore purported to be of royal authority, could have a legal effect, a deficiency which this fiction would cure. Thirdly, if a King should, for a time, be deprived of the power of exercising the royal prerogatives personally, either on account of his non-age, or from his incapacity, through illness or otherwise, to attend Parliament, on his return to the power of acting as Sovereign, he would, from the use of this fiction, perceive that all his prerogatives had been carefully preserved.

The commission, his Lordship proceeded to observe, must be issued by some authority ; and, being once issued, with the great seal annexed to it, it must enforce obedience. He thought the two Houses, and they alone, had the power to direct the great seal to be put to the commission. The great seal, he added, was the high instrument, by which the King's *fiat* was irrevocably given ; it was the mouth of royal authority, the organ by which the Sovereign spoke his will. Such were its efficacy, and its unquestionable authority, that even were the Lord Chancellor to put the great seal, from caprice, to any commission, it could not be afterwards questioned ; though such an act would, in effect, be a misdemeanour, yet it could make letters patent of such validity, that the judges themselves could not call them in question. If an Act of Parliament, passed by authority of a commission, issued under the great seal, and was indorsed with a *roi le veut*, it was valid. It must be received as a part of the statute law of the land, and could not be disputed.

His Lordship referred to different periods of our history for circumstances analogous to the present, in order to justify the particular mode of proceeding now proposed to be adopted ; and he apprised the

House of the necessity which existed for a second commission under the great seal to give the Royal assent to the Regency Bill, when it should have regularly passed through both Houses. He here adverted to a precedent, when Lord Hardwicke was Chancellor, who put the great seal to two separate commissions in the King's name, when the King was ill, and thought to be in danger. He assigned, as a last reason for passing the Regency Bill, that if such a measure did not pass, the present ministers would, of necessity, be obliged to retain their places, because, without such a bill, they could not, possibly, resign their offices. He concluded by moving, that it was expedient and necessary that letters patent, under the great seal of Great Britain, should be issued by the authority of the two Houses of Parliament, in the usual form and tenour. In this commission were inserted the names of the Prince of Wales, the Duke of York, and the Dukes of Cumberland and Gloucester. But the Duke of York desiring that his name might not appear in a place where his approbation of measures, which he considered as unconstitutional and illegal, might be inferred, and that the name of the Prince might also be erased; and a similar wish having been expressed by the Duke of Cumberland, in behalf of himself and his brother, the names of the four Royal Personages were withdrawn; when the motion passed without a division.

The resolution of the Lords being transmitted to the Commons, Mr. Pitt, on the 2d of February, moved for their concurrence therein. A long debate ensued, though no division took place. The resolution was defended generally, on the ground that it afforded the only legal sanction to the proceedings of Parliament, of which the necessity of the case admitted; and it was opposed on the plea, that however their proceedings might be made formally legal, yet being substantially and historically otherwise, it would have been much more safe, that the whole case should stand upon its own ground, distinguished as an irregular proceeding, justified only by necessity, than to call in counterfeit props to support it. On the following day the Commons attended the House of Lords, when the commission was read. The Lords Commissioners were the Archbishop of Canterbury, Earl Bathurst, (who officiated as Speaker, in the absence of the Chancellor) the Lord Privy-

seal, the Marquis of Carmarthen, Lord Sydney, and the Lord Chamberlain. Earl Bathurst informed the Commons, that the illness of his Majesty had made it necessary that a commission in his name, should pass the great seal, which they would hear read. It was accordingly read by the Clerk, when Earl Bathurst addressed the Parliament in a short speech, in which he said, that in pursuance of the authority given by the commission, amongst other things, to declare the causes of their present meeting, he had only to call their attention to the melancholy circumstances of his Majesty's illness; in consequence of which it became necessary to provide for the care of his Royal Person, and for the administration of Royal Authority, during the continuance of that calamity, in such manner as the exigency of the case seemed to require. On the same day Mr. Pitt moved for leave to bring in the Regency Bill, and on the next day it was brought in, and read a first time, without any debate. When proposed, however, to be read a second time, on the 6th of February, it was attacked, with great eloquence, but still greater intemperance, by Mr. Burke, whose irritability of temper seems to have betrayed him into expressions, which no member ought to use, and which the House ought not to tolerate. He accused Dr. Willis of rashness, impetuosity, and presumption, in taking upon him to fix the probable duration of his Majesty's illness. Alluding to the restoration of the King to a capacity to resume the exercise of regal authority; he exclaimed, "Of his sanity, should God restore it, where was the confirmation? with a junto—an obscure and contemptible *council*! manifestly *not wishing to produce a sound King*, but to usurp the Government without one—where a proclamation was to supersede the two Houses—a proclamation from authority existing no more—for the King governs not—but is governed!"* He taxed the bill with reviving the doctrine of divine right, which had been exploded on the expulsion of the House of Stuart in favour of another House. "In the idiot abominations of the Stuart race, *divine right* was the assumption of the Prince alone! it was now more monstrously to be usurped by the Minister!" "The bill," he said, "was not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be

* An impartial Report, &c. p. 476.

outlawed, excommunicated, and attainted, as having forfeited all claim to the confidence of the country."

This extraordinary declaration having excited the smiles of several of the members, Mr. Burke's indignation rose with his climax, and he directly charged the House "with degrading the Royal Family; sowing the seeds of future distractions, and disunion among them, and proceeding to act *treasons*, for which the justice of the country would one day overtake them, and bring them to trial!" Here he was called to order by Mr. Pitt, who observed, that, when Mr. Burke chose to indulge himself with a direct attack upon him, in a style of invective, in which he was accustomed to deliver himself in that House, he seldom thought it worth his while to interrupt him, or, indeed, to make him any answer, because his speeches, from their extraordinary style, and the peculiarly violent tone of warmth and of passion with which they were generally delivered, seldom failed to make that impression, which those to whom they were directed wished them to make; but, when the acts of the House were called in question, and a bill, avowedly founded on principles which the House had sanctioned, by their vote, after much discussion and debate, in the form of distinct resolutions, were said to amount to the *outlawing, excommunicating, and attainting* the whole House of Brunswick; and the House were told distinctly, and unequivocally, that they were proceeding to act *TREASONS*, for which, at a future day, they would be overtaken by the justice of the country, and brought to trial, he did hope that the House would interpose their authority, and when such a violent breach, not only of order, but of common decency, was committed, that they would oblige gentlemen to restrain their violence, and not, under the pretence of passion, suffer themselves to be betrayed into such irregular, disorderly, and unmanly conduct.

Almost every clause of this Bill produced some discussion, in which each side urged anew the same arguments which had been advanced, in support of their respective opinions, during the preceding debates on the resolutions. On that clause being read, which enacted, that all the powers and authorities of the Regent should cease and deter-

mine, in case " His said Royal Highness, George Augustus Frederick, Prince of Wales, shall not continue resident in Great Britain, or shall at any time marry a Papist," Mr. Rolle proposed, by way of amendment, to make an addition to the clause, for the purpose of excluding from the Regency any person proved to be married, *either in law, or in fact*, to a Papist, or one of the Roman Catholic persuasion. In proposing this amendment, Mr. Rolle most positively denied having had any communication with the minister on the subject, and declared that he was actuated solely by his regard for the general interests of the kingdom, and by his wishes for the security of the Protestant succession. The amendment was opposed by Lord Belgrave, from his conviction, founded on the former declaration of Mr. Fox, that no marriage had taken place between the Prince, and Mrs. Fitzherbert. His Lordship deprecated all further enquiry into the business, and considered the report of the marriage, as a false and libellous calumny. So long, however, as any doubt remained in the public mind, respecting the fact, it was the duty of the House to institute such an enquiry, as should effectually dispel it; and, from the discharge of this duty, they should not have suffered themselves to be restrained by any motives of delicacy, or by any considerations of a personal nature. It was their reason, and not their feelings, which should have dictated the line of conduct which they ought to pursue. That doubts did remain, is most certain; for it was currently reported, that Mr. Fox, who had gone to Bath for his health, had absented himself, on account of a difference which had arisen among the Prince's confidential friends, on this very subject. And though there is no reason to disbelieve, that the cause assigned for his absence, by his Parliamentary associates, was the *real* cause, still the existence and currency of such rumours were amply sufficient to justify the institution of an enquiry; the result of which would set the question at rest for ever.

Mr. Welbore Ellis contended, that the Act of George the Third, which pronounced the *invalidity* of the marriage of any of the descendants of George the Second, without the royal assent, was a *full* and *sufficient answer* to all these rumours, as that could not be true in fact which was not good in law. Thus inferring, that this Statute vir-

tually repealed that important provision of the Act of Settlement, which declared that any heir to the Throne, who married a Papist, forfeited his right to the Crown. The absurdity and illegality of this inference, has already been shewn; yet was it adopted by Lord North, Mr. Sheridan, Mr. Grey, Mr. Courteney, and others; while the Attorney General, and all the other Law Officers of the Crown, observed a profound silence, a silence the most strange and unaccountable, on a question of much higher importance than any which arose out of the discussions on the Regency. Mr. Dundas, however, met the question fairly. He said, that when he heard that a recent Act of Parliament was the only reply fit to be given to questions of the deepest and most serious importance, he could not submit to have a matter of such magnitude rest on such a point, nor would he agree, that the effect of the Act of Settlement was virtually done away by a posterior Act, which did not specifically repeal the clause in a statute, in which the constitution and the country were so deeply interested, as they were in the Act of William and Mary, which had been alluded to. As little disposed was he to admit, that the report which had given rise to the proposed amendment, was a question rather to be laughed at than argued. So to state it was to pay a bad compliment to the Prince of Wales, and to rest his cause on a weak and loose foundation. But Mr. Dundas regarded the solemn assurance of Mr. Fox as decisive; convinced, as he was, that if any thing had occurred to make him change his opinion on the subject, he would, at all hazards, even at the risk of his life, have come down to the House to deliver his sentiments on the motion of Mr. Rolle.

Mr. Rolle declared, that he had no wish to divide the committee on the question, being perfectly satisfied with having done his duty, by recommending the subject to the attention of the House. He was attacked, however, first by Mr. Courteney, in a speech that was much better adapted to a company of buffoons, than to a grave assembly of legislators; and, afterwards, by Mr. Grey, with more solemn asperity, and more grave invective, who was not satisfied with condemning his conduct, but proceeded to arraign his motives. In short, if Mr. Rolle had made a motion for dethroning the House of Brunswick, he could

scarcely have been treated with greater contumely and reproach. To Mr. Courtney, Mr. Rolle very properly replied; that not all his buffoonery should drive him from his purpose, which was grave and serious, and ought to be gravely argued. Mr. Pitt, with becoming seriousness, animadverted on the intemperance of Mr. Grey; and said, that it was a recollection of all the circumstances of the case, of the laws which were in being, of the declaration which had been solemnly made in that House, in a former session, as well as what had passed that day, which led him to declare, that he did not see any ground for the institution of a public enquiry; and, therefore, he was willing to abide by the clause as it stood in the Bill.—The amendment was negatived without a division.

The clause for vesting in the Queen the care of the King's person, and the management of the Household, occasioned another very long and warm debate, in which Mr. Burke, alluding to a question of Mr. Pitt, who had asked,—would the House strip the King of every mark of royalty, and transfer all the dignities of the Crown to another,—exclaimed, no, God forbid! when the person wearing the Crown could lend a grace to those dignities, and derive a lustre from the splendour of his household. But, did they recollect that they were talking of a sick King, of a monarch smitten by the hand of Omnipotence; and that the Almighty had hurled him from his throne, and plunged him into a condition, that drew upon him the pity of the meanest peasant in the kingdom. This remark produced a loud call to order, and the Marquis of Graham told Mr. Burke, that neither he, nor any man in that House, should dare to say, the King was hurled from his Throne. Mr. Burke, however, justified the expression by the language of the prayer offered up in our churches for the King's recovery, and, proceeding in the same strain, asked,—ought they, at that hour of sickness and calamity, to clothe his bed with purple?—ought they to make a mockery of him, putting a Crown of thorns on his head, a reed in his hand, and dressing him in a raiment of purple, to cry, “Hail! King of the British!” The disgust expressed by the House at this indecorous, and even impious, allusion, at length induced the orator to change his tone, and to arraign the clause with more chastened animation, and with more temperate eloquence.

When the clause for appointing a council to advise the Queen came to be discussed, Lord North reprobated the conduct of the minister, in excluding from it all the members of the Royal Family; and, in order to take the sense of the House upon the question, moved that the Duke of York should be a member of that council. No charge and no motion could be better calculated to embarrass the minister, or to render him unpopular. It was well understood, that a marked want of respect to the sons of that Sovereign, whose minister he was, would injure him in the opinion of the well-disposed part of the community; and it was supposed, that the reasons on which the exclusion was founded, were of that refined and delicate nature as not to be rendered easily intelligible by the majority of the nation.—Lord North, who was an experienced politician, and was perfectly conversant with Parliamentary tactics, made his motion, as if the propriety of it was so self-evident that it must immediately flash conviction on every one who heard it read, for he advanced not a single argument in support of it. Mr. Pitt, however, was not a minister to be either intimidated by threats, or deluded by artifice; the firm integrity of his principles, and the innate rectitude of his mind, supported him in every trial, and rendered him steady to his purpose, and fearless of consequences, whenever he had a public duty to discharge. In the present instance, he professed his readiness to explain the motives by which he had been influenced to omit the names of the Royal Princes in the list of the Queen's Council. Possibly, he said, what he had to offer, as well as his conduct on that occasion, might be placed in the catalogue of disrespect, and be added to other imputations, so unjustly charged upon him, of meaning to manifest a want of due attention and regard to the younger branches of the Royal Family;—be that as it might, so long as he was conscious of acting upon no other principle, than an anxious desire to discharge his duty faithfully, at a period of great difficulty, he should firmly adhere to the rule of conduct which he had laid down for himself, as most advantageous to his country, and as best becoming his own character, perfectly regardless of any consequences, however personally injurious they might be to him.

The first matter to be considered was the nature of the council in

question, which was to be a council of advice, and a council of advice only. It had been said to be a trust, but the trust was to advise her Majesty in the care of his Majesty's person. It was now proposed to appoint the Duke of York, the second son of the King, a member of that council. It is here necessary to state that, in a preceding part of this discussion, the Marquis of Graham had assigned, as a sufficient reason for the exclusion of the Princes of the Blood from the council, that they were so connected with the Queen by the ties of affection, that they would be, at all times ready to give her their advice ; and they could give it without responsibility ; it would, therefore be improper to appoint them to responsible situations, which would render them liable to be brought to the bar of that House and examined, when other persons of great weight and legal knowledge, could be found to hold those situations. This reason, Mr. Pitt said, was, of itself, sufficient to shew that the appointment of his Royal Highness to be a member of that council, would be both unnecessary and improper ; and no attempt had been made to destroy the force of the argument. Most certainly, there could be no occasion to put those Princes of the Blood, who were, of course, the natural advisers of her Majesty, in a responsible situation, and make them members of a council who were to advise the Queen, when called on so to do, and were to answer for that advice. In the common transactions of the care of his Majesty's person, her Majesty would naturally consult the persons of her own family ; but when an act was to be done of a much more important nature, she would then call upon her council, which ought to consist of persons disinterested in the advice which they might give, (farther than as their general wishes for the restoration of his Majesty's health, which they must feel in common with the rest of his Majesty's subjects, should make them interested,) and who would necessarily be the best able to advise her Majesty. Whatever, therefore, they might do in form, it was clear that, in the appointment of the trust, whatever the advice might be that was given, the authority to act upon it should rest in a single person. Another reason why it would not be right, as it appeared to him, Mr. Pitt said, to name the Duke of York, was grounded on those general principles upon which it had been deemed improper to let the Prince of Wales have any con-

cern in the care of his Majesty's person. It was the situation, and not the character, of the Prince, which precluded him from a share in the office of the committee of his Majesty; he who was the Regent ought not to have any concern with the care of the King, because, being next in succession, he was not fit to interfere with it. If, therefore, the Prince of Wales was unfit for such a trust, respect to him made it necessary to extend the same general principle to the Duke of York, and the rest of the Royal Family.

Lord North stigmatised the principle on which the successor to the Crown was excluded from the council of advice, as a barbarous principle, carried to the height of barbarity; and Lord Maitland asserted that there could be but one opinion in the country, on the propriety of admitting Princes of the blood into the Council. Mr. Addington, on the other hand, justified their exclusion, and truly represented that principle which Lord North had reprobated, as the very principle which governed the practice of the first court of equity in this kingdom, in all cases of persons labouring under the malady with which his Majesty was, unhappily, afflicted. The established rule in that court was never to appoint the heir apparent, nor even the heir presumptive, to the care of the person indisposed, but to take, as the most unexceptionable, the individual least interested in his death. The Queen, he said, stood precisely in this predicament, she was, for a thousand reasons, the most proper to have the care of the King's person, and the Prince of Wales was, on various accounts, unfit to take any share in that concern. The nomination of the Duke of York was negatived by a majority of forty-seven, that of Prince William Henry by a majority of forty-eight, and that of the Duke of Gloucester, by a majority of forty-nine. While the names of Prince Edward and the Duke of Cumberland were negatived without a division.

The last clause, which occasioned much discussion, was that which provided the means for resuming the Royal Authority, on the recovery of the King, a matter of no small importance. It was proposed, by the clause, that when it should appear to the Queen, and to five of her council, that his Majesty was restored to health, she should, by the

advice of these five members, notify the same, under an instrument signed with her own hand, as well as by the five members of the council, and addressed to the Lord President of his Majesty's Privy Council, for the time being, or, in his absence, to one of his Majesty's principal Secretaries of State, who, on the receipt thereof, should communicate the same to the Regent, and forthwith summon the Privy Council, in the presence of whose members the said instrument should be entered on the books of the Privy Council, and a copy thereof be immediately sent to the Lord Mayor of London, and be also printed in the London Gazette. Mr. Pitt, in defence of this regulation, urged, that it was of the highest importance, that the King should re-assume his power immediately, and without impediment, on his recovery. His right would then stand clear and undoubted, beyond the extent, and independent of the authority of the two Houses of Parliament. They were providing for the exercise of that right, and, in so doing, they must take the constitution for their guide, that they might not be accused of trenching upon royalty; and if they went any further than the necessity of the case warranted and required, they would usurp a power of transferring the King's undoubted right to another.—When his Majesty should cease to be infirm, he must act as a King, through some ostensible channel. It was necessary, therefore, to provide such a channel through which the Royal will might be conveyed. But it would not, in his opinion, be proper that this communication should be made through persons, whose authority, as being derived from the Regent, would expire, of course, on the recovery of the Sovereign. He considered the majority of the council of advice, who were proposed by the clause, as forming a sufficient and responsible number for that purpose, and the more so, as it was provided that Parliament should immediately meet, when they would be enabled to check and to punish any possible impropriety which might appear in their proceedings.

On the other hand, it was contended that the notification of the King's recovery should be first made to Parliament, and that a Parliamentary address should be the necessary condition for the resumption of the Royal Authority, by the rightful Sovereign. And this most ille-

gal and unconstitutional proceeding, which went to the usurpation of a right, for which there not only did not exist the smallest necessity, but not even the shadow of a pretext, was most strenuously supported by those very men who had denied the existence of any right in Parliament to *appoint* a Regent, or to fetter his power with any restrictions. Mr. Burke, in the course of his speech, on this occasion, in order to prove the uncertainty of symptoms of sanity in persons affected with the disorder under which his Majesty laboured,—read an extract from a book, which stated that some of those individuals, after a supposed recovery, had committed parricides, others had butchered their sons, others had done violence to themselves by hanging, shooting, drowning themselves, throwing themselves out of windows, and by various other ways. He was interrupted, however, by the House, who expressed the strongest sensations of horror at the extract which he had read, and at the inference evidently meant to be deduced from it. But Mr. Grey supported the propriety of Mr. Burke's conduct, and that gentleman himself justified it, on the necessity which existed, in certain cases, of sacrificing delicacy to truth.—The clause was carried by a majority of sixty-eight.

The Bill having gone through all but its last stage, Mr. Pulteney proposed to add a clause, as a rider to it, to limit the restrictions on the power of creating Peers to three years. Mr. Pitt acceded to the proposition, and, after some discussion, the motion was acceded to, and the Bill was read a third time.—On the following day it was carried to the House of Lords.—The discussions on the different provisions of the Bill occupied that House until the nineteenth of February, when the Peers had the satisfaction of being informed, by the Lord Chancellor, that his Majesty was far advanced in the recovery of his health.—The House, of course, adjourned, and, both the Peers and Commons, suspended all farther proceedings, until the health of His Majesty was fully restored.

The great constitutional points which the discussions on the regency involved, the important precedent which they went to establish, and the opportunity which they afforded for displaying the firmness and

consistency of Mr. Pitt's character, in a novel and interesting point of view, all combine to render this an important epoch in his parliamentary, and political, life. It has been often remarked, that, on this occasion, Mr. Pitt, who had lately stood forth the champion of prerogative, proclaimed himself the asserter of popular rights; while Mr. Fox, who had been distinguished as the man of the people, appeared as the advocate of claims hostile to those rights. As applied to Mr. Pitt, the remark is neither totally just nor totally unjust. He certainly supported the rights of Parliament, but not in opposition to the prerogatives of the Crown; on the contrary, all his efforts had, for their object, to prevent the Crown from being stript of any of its lawful appendages; more than it was absolutely necessary to vest in the Regent; for the exercise and support of the Royal Authority; and to secure to the Sovereign the certain means of resuming the Kingly Power, in its utmost plenitude, whenever that incapacity should cease, the existence of which could alone justify the transfer of any portion of it to another. But, even here, constitutionally speaking, he was the supporter of popular rights; for he well knew, with every sound statesman and lawyer who had flourished since the Revolution, that the prerogative of the Crown was an essential part of the rights of the people, which it tends to confirm and secure. Indeed, so admirably framed is the constitution of Great Britain, that the support of the *lawful* rights of either of its component parts, so far from injuring those of the other, has a direct and necessary tendency to preserve them. It is only the *unlawful* extension of the rights of either (or rather the usurpation of non-existing rights) that can interrupt the general harmony of the whole, and endanger the safety of the constitutional fabric. The various parts of the political building are so dove-tailed, as it were, that no partial shock can be sustained by them;—let any one be shaken, a general convulsion follows;—destroy any one, they all become disjointed, the fabric is disfigured, it totters, and ruin ensues.

The part which Mr. Pitt had to sustain, at this important period, was a part of extreme difficulty; every step he took exposed him to suspicions the most grating to a generous and noble mind, and to re-

proaches which he would have shuddered to deserve. Every measure which a sense of duty led him to adopt subjected him to imputations of interested motives, which his soul abhorred, and, while he consulted exclusively the rights of the Crown, and the welfare of the country, he incurred the odious accusation of considering only the promotion of his own views, and the gratification of his own ambition. All the arts of ingenious sophistry; all the ridicule of inventive, but distorted, genius; all the invectives of impotent malice, and all the taunts of malignant enmity, combined to produce that mental irritation which is most favourable to attack, and most hostile to defence. But the combination was vain as the rage of the winds which assail the monarch of our woods.—Its fury was spent in fruitless efforts to shake that firmness which could only be moved by the desolation of Europe, and the calamities of the country.—His conduct was the more deserving of praise, as its certain consequence was his dismissal from office, by the Regent, at a time too when his fortune was impaired, and his circumstances were impoverished, by unavoidable inattention to his personal concerns, resulting from the magnitude and extent of his official duty.

As to the doctrine advanced by Mr. Fox, and supported by his friends and followers, it could not, with any regard to propriety, be considered as calculated to maintain the prerogatives of the Crown, unless, indeed, the Crown was to be transferred to the head of the Regent.—As applied to a King, their principles and opinions, and the measures which they proposed to found on them, were constitutionally correct; but as applicable to a Regent, the temporary representative of a King, they were fundamentally wrong, because they went to destroy all distinction between the representative and the party represented, or rather to transfer all dignity, power, authority, and splendour, from the latter to the former, and so to create a new Sovereign, during the life of the rightful Monarch. While they deprecated all discussion which had a personal reference to the Prince of Wales, as indecorous and improper, they allowed themselves the utmost latitude of remark on the King and Queen, on the plea that delicacy should yield to truth.—Their conduct, too, could not be exempt from the sus-

picion of interested motives, because all the power and prerogatives which they claimed for the Prince would, they knew, be employed to honour and enrich themselves, who, in contempt of decency, endeavoured to influence the Parliament by publicly declaring, very early in the discussion, that they were to be the Ministers of the Regent.

The avowed determination to dismiss all the confidential servants of the Crown was regarded, by the nation, with astonishment and concern. It was considered that, as the Regent was professedly to *represent* his Father and his Sovereign, during the period of his illness, which there was good reason to believe would be short, it would be natural for him to act, as far as possible, precisely as his Father would have acted, had he retained his capacity, and kept possession of the Supreme Authority in the state.—His Majesty having so recently, on a very important occasion, manifested his opinion of the merits of the two great parties which divided the country and the senate, the Regent could not be ignorant either of the principles which he preferred, or of the system of government which he was resolved to pursue. If he had acted, then, on other principles, and on a different system, he could not, strictly speaking, have been regarded as the *representative* of the King;—for the representative of a person differs essentially from the representative of a people;—the latter, though chosen by a few, represents the whole, and is bound to consult the interests of the aggregate body, even when opposed to the interests of the individuals by whom he has been elected;—but the former represents the individual only, whose rights he enjoys, whose duties he discharges, whose place, *pro tempore*, he supplies, and in whose name alone he acts.—It is not meant to contend, that a Regent was legally bound so to act; but only that, under the peculiar circumstances of the present case, it might be reasonably expected that he would so act. The power of choosing his own political servants, it was highly proper he should possess; but the possession of that power by no means implied the necessity of dismissing, in order to display an independence of action, those servants who had been long honoured with the approbation and confidence of the Sovereign, whom he was appointed to represent. Fortunately, the bounty of Providence, by restoring to

his Majesty the inestimable blessing of health, secured the nation from those inconveniences which might naturally have been expected to result from such a state of things.

While the British Parliament were employed in discussing the provisions of the Regency Bill, with that serious attention which the importance of the subject so imperatively required, the Parliament of Ireland acted with more precipitation, and with greater decision.—The session was opened by the Lord Lieutenant, (the Marquis of Buckingham) on the fifth of February, who, in his speech, informed them of his Majesty's indisposition, and of the directions which he had given for all the documents relating thereto to be laid before them. Mr. Fitzherbert, the Secretary to the Lord Lieutenant, moved for a short adjournment of the House of Commons, evidently for the purpose of gaining time, to know what measures, relating to the regency, had been adopted in this country.—The motion, however, was opposed, by Mr. Grattan, and rejected, after a violent debate, by a majority of fifty-four. At the same time, the business of the supply was postponed, in opposition to the Chancellor of the Exchequer, till the twelfth of February. On the eleventh, Mr. Conolly moved, that an address should be presented to the Prince of Wales, requesting him to take upon himself the government of the kingdom of Ireland, during the continuance of his Majesty's present indisposition, and *no longer*, and under the style and title of *Prince Regent of Ireland*, and in the name, and on the behalf, of his Majesty, to exercise and administer, according to the laws and constitution of that kingdom, all regal powers, jurisdictions, and prerogatives, to the Crown and Government thereof belonging.—This precipitate measure, even the *legality* of which was doubtful, was ably and strongly, though ineffectually, opposed by Mr. Fitzgibbon, the Attorney-General, and was supported, principally, by Messrs. Ponsonby, Grattan, and Curran. On the sixteenth, a similar address was moved for by the Earl of Charlemont, in the House of Lords, where it was carried by a majority of nineteen. On the nineteenth, the two Houses waited on the Lord Lieutenant, with their address, and requested him to transmit the same. The Marquis, however, informed them, that, under the impression which

he felt of his official duty, and of the oath which he had taken, he was obliged to decline transmitting their address to Great Britain ;—for he could not consider himself warranted to lay before the Prince of Wales an address, purporting to invest his Royal Highness with powers to take upon him the government of that realm, before he should be enabled by law so to do.

The Lord Lieutenant's answer was entered on the Journals of the House of Commons, which, on the motion of Mr. Grattan, resolved to appoint some of its own members to carry the address to the Prince of Wales ; and Messrs. Conolly, O'Neil, Ponsonby, and Stewart, were nominated Commissioners for that purpose. The Lords, proceeding *pari passu* with the Commons, named the Duke of Leinster and the Earl of Charlemont as their Commissioners on the occasion. Mr. Grattan, elated with the majority which he had obtained, next moved, that the two Houses of Parliament had discharged an indispensable duty in providing for the *third estate** of the Irish constitution, rendered incomplete through the King's incapacity) by appointing the Prince of Wales Regent of Ireland. Having carried this point also, he proceeded to move, that it was the opinion of that House, that the answer of his Excellency, the Lord Lieutenant, to both Houses, in refusing to transmit their address, was ill-advised and tended to convey an unwarrantable and unconstitutional censure on the conduct of both Houses. The Attorney-General proposed to amend the motion, by prefixing to it the following words : "That this House, uninformed of the motive which impressed his Excellency's mind, and unacquainted with his private instructions, or the tenour of his oath, is of opinion," &c.—

* The *three estates* of the realm consist of—1. The Lords Spiritual; 2. the Lords Temporal; 3. the Commons; and these being complete, there could be no occasion to *provide* for any one of them. If Mr. Grattan were not conversant, as it would seem, with the language of the *Bill of Rights*, he might, without the trouble of a reference to Nailson's Collection of State Papers, or any other historical documents, have collected this constitutional information, of which he evidently stood much in need, from the second resolution of the British House of Commons, on the subject of the Regency. It is rather strange that Mr. Ponsonby, who *has been* Chancellor, and Mr. Curran, who *is* Master of the Rolls, should have joined to render the ignorance of the Irish Parliament of that day,—or, at least, the majority of them,—on so plain a constitutional point, a matter of record.

This amendment being rejected, Captain Burgh proposed another, by adding the following words to the original resolution: "Inasmuch as the said Lords and Commons have proceeded to appoint his Royal Highness, Regent, *illegally and unconstitutionally*," &c.—This amendment was also negatived, and Mr. Grattan's motion was afterwards carried by a majority of thirty-two.

The address was accordingly presented, on the 26th of February, by the appointed delegates, to the Prince of Wales, who, in his answer, observed, that what they had done, and *the manner of doing it*, was a new proof of their undiminished *duty to the King*, of their uniform attachment to the House of Brunswick, and their constant attention *to maintain, inviolate, the concord and connection between the kingdoms of Great Britain and Ireland*, so indispensably necessary to the prosperity the happiness, and the liberties of both.

If the *manner* of appointing the Prince Regent, by the Parliament of Ireland, were to be considered as a proof of their duty to the King, and of their attachment to his family, it is evident that the conduct of the British Parliament, who had adopted not only a *different*, but an *'opposite'*, manner of doing the same thing—opposite in *principle* as well as in *form*,—must be subject to a very different interpretation. And thence it is evident, that the advisers of his Royal Highness, though they did not deem it prudent to express their disapprobation of the proceedings of the British Parliament, in his immediate communications to the two Houses, made no scruple to render him the channel for the conveyance of their censures, to a quarter in which, they knew, they would be thankfully received, and faithfully re-echoed.—

In their addresses, the Irish Parliament expatiated largely upon the virtues of the Prince, with great propriety; for in praise of his personal accomplishments, his polished manners, his liberal, humane, and charitable disposition, too much could not be said.—As by this time, the most manifest symptoms of approaching recovery had appeared in his Majesty, the Prince postponed his answer to the delegates, respecting

the acceptance of the proffered office for a few days;—and before the expiration of that term nothing was left for his Royal Highness to perform, but the pleasing and grateful task of announcing the resumption of the Royal Authority, by the rightful Sovereign, and of dismissing the delegates with appropriate thanks.

But this measure was not suffered to pass the Irish legislature, without a solemn protest against its illegality, by several of the peers, who saw the proceeding in a totally different point of view from that in which it had been considered by the advisers of the Prince of Wales. Sixteen Lords, with the Chancellor at their head, expressed their dissent from the address: 1st, *Because* it was an address requesting the Prince to take upon him the government of that realm in such manner as was therein mentioned, and to exercise and administer, according to the laws and constitution of that kingdom, all royal powers, jurisdiction, and prerogatives to the Crown and government thereof belonging, *without any law or authority whatsoever*, that they knew of, authorizing him so to do.—Secondly, *Because* they were apprehensive that the said address might be construed to be a measure tending to *disturb and weaken that great constitutional union*, whereby, as fully declared, enacted, and specified in sundry Acts of Parliament in that kingdom, the realm of Ireland was for ever united and knit to the imperial Crown of England, and as a member appending and rightfully belonging thereto. And, Thirdly, because, although in every sentiment of duty, affection, and respect, towards his Royal Highness, they held themselves equal to, and would not be exceeded by, any of those who joined in the said address, or by any other person whatsoever; and were, and ever should be, ready to lay down their lives and fortunes in the support and maintenance of the just rights of their most gracious Sovereign, and of every branch of his royal and august family; they could not pay any compliment to his Royal Highness, or to any one, at the expence of what they considered as great constitutional principles, and they could not join in the said address, which might, as they apprehended, bring difficulty and embarrassment, upon his Royal Highness, already too much oppressed by the great calamity which had befallen their most gracious Sovereign, his royal father.

Lord Glandore, in addition to the second of these reasons, assigned another as the motive of his protest ;—because, feeling every sentiment of duty, respect, and attachment to the Prince, and thinking him the only proper person to be appointed to that high station, he considered, that an address to his Royal Highness, to accept the regency of Ireland, before they had any authority to know that he was, as yet, appointed Regent of Great Britain, was inviting him to assume a power which, under the actual and existing constitution of Ireland, he could not exercise, inasmuch as by the statute 10 of Henry VII. no bill could receive the royal assent there, which was not certified from Great Britain under the great seal of England, and until his Royal Highness should have authority to direct the use of that great seal, he could not discharge the functions of the regal office in Ireland. It was impossible, according to the laws and constitution of that kingdom, that any person should be Regent of Ireland, who was not at the same time, Regent of Great Britain.

Lords Tyrone and Bellamont, with the Bishops of Ossory and Ferns, dissented ; 1st, Because, with an anxious desire that the regency of the kingdom should be conferred on his Royal Highness the Prince of Wales, in a manner most expressive of respect and affection to his Royal Highness, and convinced that his Royal Highness would think that mode of appointment, most expressive of duty and affection, which was constitutional, and must conduce to preserve the connection between Great Britain and Ireland inseparable, they considered an address of the two Houses of Parliament, purporting, of its own authority, to confer royal power, at a time when they were fully competent to pass a bill for the purpose of effectually providing for the exercise of the same, to be a most dangerous violation of the fundamental principles of the constitution : secondly, because the connection between Great Britain and Ireland, (on which the safety of the constitution in church and state depended) was preserved and maintained by the unity of the executive power alone ; and yet the address proposed by the resolution then passed, was to appoint his Royal Highness Regent of Ireland, without a certainty that he was, or would be, Regent of Great Britain, and without making any provision that his Royal

Highness should not continue to be Regent of Ireland, longer than he should be Regent of Great Britain; thus exposing to chance and accident the only bond of that connection between the countries, upon which all that was dear to them depended, and making a precedent that might be of the most fatal consequence to posterity.

The Lords Carhampton and Conyngham adopted the first of these two reasons, and farther added, because they considered that if, by virtue of that address alone, the Prince of Wales should take upon himself the regal powers of that kingdom, his Royal Highness would, by such assumption, be drawn in to decide upon an important constitutional question, equally affecting Great Britain and Ireland.

And, also, because they considered these words in the address, "*and no longer,*" as unnecessary and at the same time disrespectful to the Prince of Wales, tending to convey an idea that that country could confer, or that the Prince might continue to hold over, the powers of a Regent for a longer time than the continuation of the King's indisposition incapacitated his Majesty from being restored to the full exercise of the powers appertaining to the Crowns of Great Britain and Ireland.

There certainly was a great deal of reason in this last objection, for it was perfectly absurd to introduce the words "*and no longer,*" unless the Parliament had the power to extend the period of the regency to a longer term than the termination of the King's illness. But the fact appears to have been that the resolutions were drawn up without reflection, as without judgment. The whole measure was marked by that precipitation, and by that spirit of party, which are highly disgraceful to the deliberative bodies, who ought always to act from reason and not from feeling; from principle, and not from prejudice.—It has been seen, that some of the wisest and most able men in Ireland who signed these and other protests, differed, radically, in their opinion of the ~~tendency~~ of the address from the council at Carlton House; *they* considered it as no proof of duty to the King, or of attachment to the

House of Brunswick; but as calculated to destroy the concord which subsisted between the two kingdoms, and to burst asunder the bonds of connection by which they were united.

Long before the meeting of the Irish Parliament, it was well known what part would be taken, on the question of the regency, by those who had been in the habit of calling themselves, exclusively, the *Patriots of Ireland*. Many of them had, on former occasions, decidedly ranged themselves under the standard of that great English party, which had been some time in eclipse, but which was soon expected to shine with redoubled light and influence. The policy of the English Opposition had been long directed to the maintenance of a subordinate party in Ireland, which were pledged to rise or fall with their English friends and political creators.—Some of the chiefs of this confederacy, previous to the meeting of the Irish Parliament, had repaired to England, for the purpose of receiving instructions, respecting the conduct to be observed on this important question.

As an opinion prevailed, in the Irish Parliament, that the King's health, from the nature of his malady, could not be so far re-established as to enable his Majesty to re-assume the exercise of the regal power, a great majority of that assembly resolved to worship the Rising Sun, by voting with the leaders of the confederacy who had announced their determination to address the Prince of Wales to take upon him the government of Ireland, without any restrictions whatever. Among those who joined this party, were to be found not only persons who had uniformly served the government, in consequence of enjoying very lucrative employments, but even some officers of the Crown, who had, for many years, filled very high situations in the confidential departments of the state. The executive government, thus deserted by those who were bound, by the ties of honour and of gratitude, to support it, was obliged to yield implicitly to the dictates of the confederacy.

It is certain, that the precipitate conduct of the Irish Parliament

was well calculated to sow the seeds of jealousy, and of enmity, between the two kingdoms, by unnecessarily forcing the discussion of a question, the decision of which pointed to a *possible*, if not a *probable*, separation; to accomplish which a great majority of the Irish Romanists, with the aid of the enemies of the empire, have constantly laboured. The experience of past ages should serve as a guide to the present. The torch of history should irradiate, with its brilliant, but steady, light, the policy of nations. History, indeed, has been truly characterised as philosophy teaching by experience. What were the great objects of the Parliament of James II. in 1689? What were the means adopted for the attainment of these objects? And what must have been the necessary consequences of such attainment? The objects were an entire separation of Ireland from the Crown of England. A total and absolute independence. A distinct and exclusive kingdom of Ireland—an annihilation of the Protestant Religion, and a destruction of English influence, and of English property in Ireland. The means adopted were, the formation of a Parliament purely Irish, acts of independence and attainder, an alteration of the property of the Church, and a repeal of the Act of Settlement, for the purpose of facilitating the projected attacks on the property of the Protestants, which actually passed in that very Parliament. These were all acts of imperial state, of King James, under the great seal of Ireland;—and the consequence which they produced was war with England, undertaken, on her part, on the strong ground of political necessity.

The majority of the Irish Parliament, who thus deserted the government, joined the confederacy, and voted for the address to the Prince of Wales, were denominated *rats*, from a familiar allusion to the known prudential instinct of those animals which leads them to quit a falling house or a sinking ship. As soon as his Majesty's convalescence was announced, they were filled with consternation, fearing that they should be deprived of their lucrative employments. They, therefore, entered into a combination, and signed what sailors call a *round robin*, by which they mutually agreed

to unite in resisting the government, and in impeding the progress of public business, should any one of them be dismissed from his situation.

Any one, conversant with the principles of the constitution, must immediately perceive the absurdity of this procedure of the Irish Parliament. The absolute indivisibility of the two Crowns, uniformly sanctioned by the concurrence of numerous English and Irish Statutes, is founded on the necessity of providing, in the most effectual manner, for the maintenance of the ancient rights of the English Crown, for the promotion of the solid and permanent interests of both countries, and for the support of the English laws and constitution, granted to, and received by, the people of Ireland; all which salutary purposes can be attained only by keeping, entire and unimpaired, the unity of the supreme executive and controlling power, in which consist the strength of the whole, and the security of every part of the British Empire. —The great seal of England is the symbol of that power; it is the only evidence of the Royal will, and is essential to give full force and efficacy to every act of state. On this principle, it was enacted, by the twenty-first and twenty-second of George III. cap. 47, in the Irish Parliament, that no bill can become an act of that legislature, unless it shall have previously annexed thereto the authoritative stamp of the great seal of England; which the Irish Parliament considered as an unequivocal mark of the Royal approbation, and as the bond of union and harmony between the sister kingdoms. Of the acts, by which this principle is recognised and established, it will be sufficient to mention those of the thirty-third of Henry VIII. cap. 1. and the fourth of William and Mary, cap. 1. passed in Ireland. By the former it is enacted, “That his Majesty, his heirs and successors, be, from henceforth, named, called, accepted, and reputed, “and taken to be, Kings of this land of Ireland, to have, hold, “and enjoy, the said style, title, majesty, and honours, of King “of Ireland, with all manner of pre-eminences, prerogatives, dignities, and all other the premises, unto the King’s highness,

“ his heirs and successors, for ever, *as united and knit to the Imperial Crown of the realm of England.*” It is also declared, that if any person, “ by writing, or imprinting, or any exterior act “ or deed, occasion disturbance of the King’s title, he or they “ are guilty of high treason, and shall suffer death, forfeiture “ of lands, &c.” The act of William and Mary enforces the same objects, but in terms of still greater strength. Now, if the Parliament of Ireland could choose and nominate a Regent of Ireland, it could, and probably would, assert a right to elect an executive power, different from that of England, which must, in such case, exercise the King’s authority, without the known symbol of the Royal will, in direct opposition to it, and in violation of the Irish laws above cited.

The following incident, which occurred at this time, had a great influence on the politics of Ireland, and contributed materially to produce that anarchy and confusion, which, for many years, disgraced and agitated that country; and which finally terminated in the dreadful rebellion of 1798. Mr. William Ponsonby, afterwards created Lord Ponsonby, who headed a strong party in the House of Commons, was very zealous in promoting the address to the Prince of Wales, although he and his partisans had, for many years, enjoyed places of very great emolument under the government, which he had uniformly supported. Mr. Ponsonby and his friends, having joined in the *round robin*, mentioned above, in order to secure their situations, were, under the general amnesty, left in quiet possession of them; but he afterwards declared, that although he would at all times serve the King’s government, his regard to consistency would never permit him to support a Lord Lieutenant, on whose administration he had voted a Parliamentary censure. As, by refusing to support the measures of the viceroy, he would virtually oppose the King’s government, the Marquis of Buckingham required, that Mr. Ponsonby should give a written explanation of the Parliamentary conduct which he meant to pursue; in consequence of which that gentleman wrote the following letter:

“ I intend to support the usual supplies, and his Majesty’s government in this country ;—but I will not enter into any communication with Lord Buckingham. And, as some mistakes have hitherto taken place, from verbal conversation, this is the reason for giving a written answer.”

Lord Buckingham having, very naturally, regarded this declaration as a gross insult to the representative of his Majesty, and justly considering that it was absolutely impossible that the business of government could be carried on, if those who held high and confidential situations under it, refused to hold any communication with its chief magistrate, dismissed Mr. Ponsonby and his numerous friends from their respective offices. From that time, their promises to support the King’s government in Ireland were forgotten ; and they joined the Opposition, which, previous to this event had been inconsiderable, in numbers, weight, or influence ;—but, increased by such a powerful reinforcement, they were enabled to embarrass the government, and, in order to render it odious in the eyes of the nation, they loaded it with unmerited obloquy, and imputed all its measures to sinister and unworthy motives. The Whig Club, soon after formed by the Opposition party in Parliament, most of whom became members of it, pursued the same system, in spreading a general spirit of discontent, and in degrading the administration, in the minds of the people. When they had succeeded in this, two disaffected societies, the Catholic committee, and the United Irishmen, came forward with extraordinary boldness, and endeavoured to avail themselves of this season of anarchy and discord, to effectuate their malignant design of subverting the constitution, under the specious pretext of reforming it, and of separating Ireland from England, with the assistance of the French, whose alliance they sought for that purpose. These two bodies, who were actuated by the same views, and co-operated for their accomplishment, soon founded subordinate societies in every part of Ireland ; which were affiliated with them ; and were employed to carry their orders into execution.—Their *most* powerful aux-

iliaries was a Popish banditti, called *the Defenders*, who had been systematically organized in rebellion, and had committed nocturnal robbery and assassination on the Protestants, some years previous to the institution of the Catholic committee, and of the society of United Irishmen, and who coalesced with, and became subservient to, them.

CHAPTER XIII.

The Parliament opened by Commission—Unanimous addresses of Congratulation on the King's recovery,—Bill for fortifying the Colonies passed—General Thanksgiving—Universal rejoicings on the occasion—Mr. Beaufoy's motion for the repeal of the Test Laws negatived by a Majority of Twenty—Mr. Pitt opens the Budget—His financial Statements opposed by Mr. Sheridan, and adopted by the House—Mr. Pitt proposes to subject Tobacco to the Excise—Reflections on the extension of the Excise Laws—Objections to the proposed plan by the Manufacturers—The Bill for carrying it into effect passed into a Law—Parliament prorogued—Affairs of France—Riots at Paris—Attempts to seduce the Troops—Second Assembly of Notables—Discussions respecting the convocation of the States General unnecessary and dangerous—Mr. Neckar—no Statesman—Good intentions no excuse for profound Incapacity—Epigram on Mr. Neckar—The Notables decide in favour of the established usage in the formation of the States—Their decision opposed by Mr. Neckar, who prefers and acts upon his own—Memorial of the Princes of the Blood to the King, foretelling the calamities to which their Country would be exposed—The Duke of Orleans refuses to sign it—Character and Conduct of that Prince—Employs the Abbé Sieyes to draw up the Instructions for his bailiwicks—Parliament of Paris publish a resolution on the state of the Nation—Their Influence is lost and their resolution received with indifference. Mr. Neckar insists, in contradiction to the King, to the Princes of the Blood, and to the Parliament, on allowing a double number of Representatives to the Commons—The King yields to his Advice—Factious proceedings in the Palais Royal—Riot at Paris—Many of the mob killed by the Troops—Rioters hired at twelve livres a day—The States General assemble at Versailles—The King's Speech—Mr. Neckar's Speech produces general disappointment—Contest between the different orders respecting the verification of powers—Views of the democratic party—Conference between Malouet, Sieyes and Target—Avowed plan for the destruction of Nobility—The Commons declare themselves duly constituted—Debate respecting the name which they should assume—Adopt, on the motion of Sieyes, that of *National Assembly*—Resolve to act without the other two orders—Falsehood of their declaration exposed—Their usurpation—Declare all existing taxes illegal—Continue them by their own authority,—Mob employed to insult the first two orders of the State—The King orders the Hall of the Commons to be prepared for a Royal Session—The President Bailly apprized of the King's intention—Misrepresentations of the King's conduct on this occasion exposed—The Commons adjourn to a Tennis Court—Take an oath not to separate—One member only refuses to take it—Hold their next sitting in the Church of St. Louis—Re-joined by a number of the clergy—The Royal Session—The King proposes a plan of reform highly favourable to the Liberty of the Subject—Reflections on this plan—Mr. Neckar absents himself from the Royal Session—Motives of his absence—Factious Speech of Mirabeau—

The Commons, on the suggestion of Mirabeau, declare their own persons inviolable ;—and all those Traitors to their country, who shall dare to reproach them for their Conduct—Observations on this declaration—Neckar courts the applause of the Mob—The mob attack the Archbishop of Paris—Motion for the clergy to join the Commons rejected by a majority of one—Afterwards carried by a stratagem of the Archbishop of Bourdeaux—Scandalous behaviour of some of the clergy—Democratic meeting at Mr. Neckar's house—Forty-four members of the Nobles join the Commons—Popular outcry against Aristocrats—the King's conference with the Presidents, and some leading members of the first two orders—The Nobles and Clergy, at the King's request, join the Commons—Excellent Speech of the Archbishop of Aix—Fresh disturbances at Paris—Troops stationed for the protection of the Capital—The Assembly address the King to remove them—Mirabeau's seditious Speech—King refuses to dismiss the Troops, but offers to remove the assembly—Dismissal of Neckar—Commutations in Paris—Treachery of the French Guards—The populace force the Prisons—The National Assembly again importune the King to remove the Troops—The Mob attack the Hotel des Invalides, and carry away all the arms—Imbecility of M. de Sombreuil—The Bastille attacked—Surrendered—Misconduct of M. de Launay, and M. de Buzenval—Curious motive for it—Murder of M. de Launay, and M. de Flesselles—Misrepresentations respecting the surrender of the Bastille corrected—Critical situation of the King—The Assembly once more call upon him to remove the troops—He yields at last to their request—and gives his sanction to the establishment of the Militia, as National guards of Paris—Object of the Conspirators in the assembly—The Orleans Committee—Cowardice of the Duke of Orleans—Mirabeau's opinion of him—Offer of Marshal Broglio to remove the Royal Family to Metz rejected by the King—The Assembly send a deputation to Paris—Eloquent speech of the Count de Lally-Tolendal—The King goes to Paris—His reception by the populace—Murder of Messrs. Fonlon and Berthier—Atrocious observation of Barnave in the National Assembly—Recal of Neckar—Addresses of congratulation to the assembly drawn up at Versailles by the Breton Club—Dreadful state of the country—The Conspirators impute the public disorders to the Intrigues of English Agents—The Duke of Dorset's letter to the minister repelling the imputation—Memorable Sitting of the Assembly on the evening of the third of August—All Feudal rights annihilated—Tithes suppressed—And property invaded—Salutary decree for abolishing the sale of places, and for other useful purposes—Speech of the Abbé Sieyes, in defence of the property of the Church—Contrasted with his writings—Public disorders increase—Neckar proposes a small Loan—Fails in his efforts to obtain it—Illegal proceedings of the National Assembly—Project of the Conspirators for removing the Assembly to Paris—Intended attack on the Palace—The Assembly early apprized of it—The Regiment of Flanders called to Versailles for the protection of the Royal Family—The Mob and the Paris Militia proceed to Versailles—Mounier's reproof of Mirabeau—The King forbids his Body Guards to fire on the Mob—or to repel force by force—M. de St. Priest urges the King and the Royal Family to leave Versailles—The King promises, but recal's his promise—La Fayette requests the King to go to rest, and answers for his security—The Palace attacked—Attempt to murder the Queen—The Duke of Orleans directs the Mob to the Queen's Apartment—

• Gallant Conduct of the Body Guards, some of them murdered—The Mob driven out of the Palace—The King and Royal Family remove to Paris—are followed by the National Assembly.

[1789.] On the tenth of March, the King's recovery being complete, the House of Commons were summoned to attend the House of Peers, when the Lord Chancellor informed them, that his Majesty, not thinking fit to be there present that day, had been pleased to cause a commission to be issued under his great seal, authorizing and commanding the commissioners, who were appointed by former letters patent to hold that Parliament, to open and declare certain further causes for holding the same ;—The commission was then read, and the Chancellor, in the name of the commissioners, addressed the two Houses, informing them, that his Majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which he had been afflicted ; and being able to attend to the public affairs of his kingdom, had commanded the commissioners to convey to them his warmest acknowledgments for the additional proofs which they had given of their affectionate attachment to his person, and for their zealous concern for the honour and interests of his crown, and the security and good government of his dominions.

The interruption which had necessarily been occasioned to the public business would, his Majesty doubted not, afford them an additional incitement to apply themselves, with as little delay as possible, to the different objects of national concern which required their attention.

They were likewise ordered by his Majesty to acquaint them, that, since the close of the last session, he had concluded a treaty of defensive alliance with the King of Prussia, copies of which would be laid before them ; that his Majesty's endeavours were employed, during the last summer, in conjunction with his allies, in order to prevent, as much as possible, the extension of hostilities in the north, and to manifest a desire of effecting a general pacification ;—That no opportunity would be neglected, on his part, to promote that salutary object.

and that he had in the mean time, the satisfaction of receiving, from all foreign courts, continued assurances of their friendly dispositions to this country.

The House of Commons were then informed, as usual, that his Majesty had commanded the estimates of the current year to be laid before them, and was persuaded of their readiness to make the necessary provisions for the several branches of the public service.

No debate, and very little conversation, occurred in either House, on the subject of the address ; one general feeling seemed to pervade all the members, and they unanimously joined in carrying their congratulations to the foot of the Throne. Nor was the Queen forgotten in these tributes of gratitude to Providence ; both Houses presented to her Majesty suitable congratulations on an event in which she was so peculiarly interested.

The first business transacted in Parliament, after the King's recovery, was a vote of £218,000. for defraying the expence of partially fortifying our colonial possessions in the West Indies. The motion for granting it was defended by Mr. Pitt and Colonel Phipps, on the plea that many of our islands had, for want of such defence, fallen on the first sudden attack of the enemy ; whereas, if they had been provided with fortifications, they would have held out until our fleets could have arrived to their relief. On the other hand, it was contended, that the expence would be perfectly useless, as, in the event of a capture of an island, the fortifications would be advantageous to an enemy ; while the threat to burn the plantation, when an island was attacked, would induce the planters to insist on the surrender of the forts. The sum required, however, was voted without a division.

Mr. Beaufoy, soon after, moved for leave to bring in a bill, to establish a perpetual anniversary thanksgiving to Almighty God, for having, by the glorious Revolution, delivered this nation from arbitrary power, and to commemorate annually the confirmation of the

people's rights. The motion was seconded by Lord Muncaster, and the bill was brought in and passed through its various stages, notwithstanding a pertinent objection started by Sir Richard Hill, who truly observed, that the event in question was already commemorated by the form of prayer appointed for the fifth of November.—The House of Lords, however, paid more attention to the same objection, when pressed by the Bishop of Bangor, and rejected the bill on the first reading, as a work of supererogation.

On the 8th of April, the House of Commons were apprized, by Mr. Pitt, that he was commanded by his Majesty to inform them, that he had appointed Thursday, the 23d of that month, to be observed as a day of public thanksgiving to Almighty God, for that signal interference of his good providence, which had removed from his Majesty the late illness with which he had been afflicted, and, for the greater solemnity of that day, his Majesty would go to St. Paul's Church, to return thanks to Almighty God for the great mercy which had been extended to him; and his Majesty had been pleased to give the necessary orders for providing convenient places in the said Cathedral, for the members of that House. Upon which it was resolved, that the humble thanks of the House should be returned to his Majesty, for his gracious favour, in communicating to that House his intention of going to St. Paul's Church, upon the day of Thanksgiving appointed by his Majesty, and, for having been pleased to give orders for providing convenient places in the said cathedral for the members of the House. It was also resolved, that the House should attend his Majesty to St. Paul's as a House; and the necessary orders were accordingly given for the purpose.

On the day appointed for this act of pious gratitude, the whole metropolis was in motion, at a very early hour. Such a general manifestation of loyalty, at once rational and enthusiastic, rational in its motive, and enthusiastic in its display, was scarcely ever witnessed in any age or country. The procession consisted of the Royal Family, the two Houses of Parliament, the Judges, the great officers of State, and the Foreign Ambassadors and their Ladies. The spectacle was grand

and awful. A Christian King prostrating himself before the altar of his God, returning his humble thanks for the mercy so signally vouchsafed unto him, offering his fervent praises and adoration to him, "by whom King's reign," in the midst of his grateful and exulting subjects, was a spectacle which a Christian Philosopher could not fail to contemplate with supreme satisfaction ! The illuminations which followed, on the evening of the succeeding day, were universal, extending to every part of the kingdom. In the capital, the meanest hut, in the most obscure alley, displayed its humble token of loyalty and joy. Nor was the poorest cottage, on the most solitary heath, without it. This was not the constrained joy of slaves, prescribed by the mandate of despotism, but the manly exultation of freemen, flowing spontaneously from the heart.

Mr. Pitt was now left to pursue his plans of internal economy, without those extraordinary interruptions to which he had lately been subjected. He had received, during the late discussions, the most decisive tokens of esteem, from many of the most respectable bodies in the kingdom, and he had the satisfaction of knowing, that the firm and steady conduct which he had observed, on a question peculiarly calculated to try the firmness, steadiness, and consistency of a public character, had, in addition to the approbation of his own conscience secured the next object of his ambition—the applause of his country.

Mr. Beaufoy revived the discussion on the Test and Corporation Acts, by again moving for their repeal on the 8th of May. The motion was supported by Mr. Fox, and opposed by Lord North and Mr. Pitt. The majority against it, however, was now reduced to *twenty*; a circumstance which renewed the hopes, and encouraged the expectations, of the Dissenters, who, elated with the imaginary prospect of success, exerted themselves to the utmost, in order to realize it, fully resolved to press the point again, on the first convenient opportunity; and firmly persuaded that they should then carry it.—About this time, Mr. Grenville was appointed Secretary of State for the home department, when the vacant chair of the House of Commons was filled by Mr. Henry Addington, son of Dr. Addington, one of the Physicians

who had attended the King during his late indisposition. Early in June, Mr. Pitt opened the budget for the year. He stated the amount of the supplies already voted, to be £5,730,000, exclusive of the annual account of renewed exchequer bills. In his account of the ways and means, he rated the Land and Malt Tax, at £2,750,000; to which he added a loan of £1,000,000; profits on a Lottery, £271,000; short annuities, £191,000: from the consolidated fund, £1,530,000; making a total of £5,742,000.

Having thus stated the amount of the supplies, and the ways and means by which they were to be provided for, Mr. Pitt entered into a consideration of the question,—whether the consolidated fund was equal to the payment charged upon it? He said, the average produce of the two last years of all the taxes was £12,478,000. The year preceding, they had indeed fallen short £300,000; but this deficiency arose from peculiar circumstances; and there was no doubt that the present and succeeding years would exceed that average.—The permanent charges on this fund, consisting of the interest of the national debt, charges of management, civil list, and a million to be expended in the purchase of stock, amounted to £11,278,000, leaving a surplus of £1,700,000. Mr. Pitt then applied these facts to the two objects which the committee of finance, in 1786, had particularly under consideration;—first, whether we could pay the extraordinary expences which must accrue before we could arrive at a regular peace-establishment, without a loan?—and, next, whether the revenue was equal to the sum stated by the committee of accounts as necessary to defray the expence of the annual establishments, to pay the interest of the public debt, and to leave an annual surplus of one million to be applied towards its liquidation?

No money had been raised by loan since the year 1786; it was now proposed to raise only one million, and since that time the navy debt had been increased half a million. But what had been the extraordinary expences during this period? We had paid £3,500,000 above the average peace establishment; we had paid, besides, £852,000 to the American loyalists; £216,000 for the Prince of Wales's debts;

£210,000 for the debts of the civil list ; and £253,000 for the expence of the armament in the preceding year ; which sums, taken together, were equal to the additional navy debt incurred, and the million now to be borrowed ; so that, although in three years, £3,500,000 had been paid above the calculation of the committee, and £3,750,000 for the reduction of the national debt, with which alone four millions of debt had been actually paid, and £120,000 brought, annually, to the sinking fund ; had it not been for those unforeseen expences, we should not only have been able to provide for the extraordinary million wanted this year, without any additional burden on the people ; but we should not even have wanted a substitute for the Shop Tax, which had been recently repealed. Under these circumstances, Mr. Pitt congratulated the country, that the hopes which he had entertained had proved to be well-founded, and that the calculations of the committee had been verified to a degree of accuracy seldom to be expected in such calculations.

Mr. Pitt then proceeded to consider the state of the permanent income. The same committee had declared, that fifteen millions and a half of revenue were necessary to defray the annual expences, and to leave one million towards the reduction of the national debt.—How did it stand at this time ?—On an average of the last two years, it appeared to be (including the Land and Malt Tax) £15,578,000, nearly exceeding, by £100,000, what the committee had thought to be necessary. There was, therefore, no disappointment with regard to the permanent income. It was not then necessary to say much in order to convince the House that the finances were in as good a situation as the nation had ever been encouraged to expect ; he had neither been accessary to deceiving the public, nor had he been deceived himself ; and the new burdens to be imposed ought to be borne with as much cheerfulness as any which were imposed on fair grounds, and for necessary purposes.

He proposed to borrow the million to be raised by loan upon annuities, with the benefit of survivorship, by which means, in time, the debt so contracted must extinguish itself, and no addition be made

to the national debt.—Calculating on the most approved tables of lives, and reckoning the interest of money, from the three per cents. at about four per cent, he had found that the interest upon the whole would be about four and a half per cent. The persons who had agreed for the whole, had been allowed a small premium of £2,500. It was part of the terms that no more than a thousand a-year should ever be received on the sum of £100. The subscribers were divided into six classes. The interest, therefore, could not be ascertained, with precision, until the subscription was full, but might be taken at £44,750. In order to replace a sum which had been advanced to the Dutch government, out of the civil list, and which was to be repaid by instalments, he meant to raise £191,000, by short annuities, which the instalments received in payment would answer ; and in doing this he had made an economical bargain for the public.

The repeal of the Shop Tax left a deficiency of about £56,000, which, with the Tontine annuities would leave about £100,000 to be raised by new taxes. To do this Mr. Pitt proposed an increase of certain stamp duties, and some further duties on horses and carriages. Of the stamps, one half-penny on every newspaper, in addition to the existing duty, which would yield £28,000 ; an additional sixpence on each advertisement would produce £9000 ; the same addition on cards and dice would bring a similar sum ; an additional duty on probates of wills, in proportion to the sum bequeathed, £18,261 ; and a farther duty on legacies to collateral relations, £5,000 ; making a total of increase, by stamp duties, £69,261. He further proposed to levy an additional duty of one-eighth of the existing duty on one carriage ;—on two carriages, an addition of one pound for the first, and of two for the second ; on three or more one pound for the first, and three for each of the rest ; on two horses, no addition for the first, but five shillings for the second ; on three, four, or five horses, seven and six-pence each, for all above one ; and on more than five, ten shillings each ; making, in all, with the additional stamp duties, about £111,000.

This statement of the prosperous situation of our finances was con-

tradicted by Mr. Sheridan, who considered the mere circumstance of raising a new loan as sufficient to demonstrate the failure of the predictions of the committee of finance. He boldly asserted, that, instead of an excess of revenue, as stated by Mr. Pitt, there was an annual deficiency of two millions, for the three preceding years, which would probably continue for the three following years. Mr. Sheridan laboured this point very hard; but he was unable to convince the House, either of the fallacy of Mr. Pitt's statements, or of the accuracy of his own calculations.

In pursuance of his plan for the improvement of the revenue, Mr. Pitt brought forward, during this session, a proposal for putting a stop to the contraband trade, which was carried on, to an enormous extent, in the article of tobacco. He stated, in a summary way, the great inducements which the smugglers had to deal in this article; such as the very low price of its prime cost, compared with the amount of the duty, which afforded an ample premium to illicit traders, and enticed them to carry on their traffic to a very great extent, to the material detriment of the revenue, and the equal injury of the fair trader. He stated that, at least, one-half of the tobacco consumed in the kingdom was smuggled.—When the alteration in the duty on teas was proposed, the annual importation of that article was rated at twelve millions, but experience had proved that it was greatly under-rated. And it appeared, upon enquiry, that the quantity of tobacco imported into this country, was equal to the quantity of tea imported. As far as could be ascertained, from the best information of which the nature of the case admitted, not less than fourteen millions of pounds of tobacco were imported every year, of which not more than half paid the duty. And from this illegal traffic the revenue sustained an injury to the amount of three hundred thousand pounds per annum.

The mode by which Mr. Pitt proposed to remedy this evil, was by changing the greater part of the duty on tobacco, from customs to excise, and by subjecting the manufacture of this article to the operation of the excise laws. It was urged, as an inducement to adopt this plan, that the experiment had already been tried upon wine, and

with great success, for only 13,000 tons of wine paid duty, before the article was subjected to the regulations of the excise, but, after, the quantity increased to 18,000 tons, and, when the duty was lowered, to 22,000 tons. He anticipated the objections which might probably be urged against the proposed measure by interested manufacturers, whose conduct was not exempt from suspicion. No doubt any thing that could be urged on that head should be listened to by the House with attention and candour; but, at the same time, with that degree of jealousy, which allegations from persons so circumstanced ought ever to excite.—Similar objections had been pressed against the extension of the excise laws to wine, by persons who confidently asserted that, under such restrictions, it would not be possible for them to carry on their trade.—The experiment, however, was tried; and the trade had increased to an astonishing degree.

Objections, however, to an extension of the excise laws, ought ever to be viewed with suspicion and jealousy;—they form a system to which the subjects of this free country submit with more reluctance, than to any other legal restrictions whatever;—and the reluctance, though no doubt, in partial instances, it may originate in the disgraceful motives of interest, and fear of detection in illicit practices, may generally be traced to a veneration for those constitutional principles, which every Englishman truly considers as the most valuable portion of his birth-right. Such a system, itself, then, (and, consequently, any extension of it) can only be justified on the ground, if not of absolute necessity, at least, of deriving from it such public advantages as shall greatly overbalance both the inconveniences to which it may expose individuals, and the shock which it is calculated to give to the feelings of the nation. In that case, the paramount principle, that individual interest must yield to public good, which forms, as it were, the corner stone of every constitutional fabric, must have its natural operation and effect.

Numerous petitions were presented by the manufacturers against this bill;—but the principal objections which were urged applied to two points: first, that in the process of the manufacture, the variations

in the weight were so great, that the excisemen could not possibly take an accurate account of the quantity manufactured; whence the manufacturer would be either subjected, on the one hand, to a ruinous excess of duty, or, on the other, to fines and forfeitures, which would be equally ruinous.—And, secondly, that the excisemen, by having free access to the manufactories, would learn those secrets of the trade which were possessed by different manufacturers, and which were objects of such real value to them, that they had been sold for ten thousand pounds, and upwards.

But the opposition to the Bill was productive of no effect; having been modified in the committee, and several of the most objectionable parts either expunged or altered, it passed the House of Commons, and, after some debate, the House of Lords, also.

This was the last measure proposed by Mr. Pitt, during that session of Parliament, and Mr. Dundas, having closed the public business by bringing forward his Indian Budget, by which it appeared that the affairs of the Company were in a prosperous and flourishing state, (which Major Scott represented as the effect of the wise and provident administration of Mr. Hastings) there being a net revenue of thirteen hundred and sixty-seven thousand pounds, applicable to the discharge of the capital of a debt of rather more than seven millions and three-quarters, and to the purchase of investments, the Parliament was prorogued, by commission, on the twelfth of August.

While England was thus, by the blessing of Providence, restored to the tranquil enjoyment of domestic tranquillity, France continued to be torn by internal dissensions, and to be convulsed by the most violent symptoms of approaching anarchy. On the sudden retreat of the Archbishop of Sens, from the ministry, that prelate was burnt in effigy by the Parisian populace, and had great reason to congratulate himself on his prudence in withdrawing himself from the danger of personal violence.—The mob, who had assembled on the following day, to amuse themselves with a repetition of the same indecent farce of committing a Cardinal to the flames, attempted to force the guard

stationed to prevent their approach to the scene of action, when a skirmish ensued, in which one hundred and fifty of the rebellious rioters were killed or wounded.—Attempts were now made, though without effect at the time, to seduce the French and Swiss guards from their duty, and it is worthy of remark, that the very men who were employed on this occasion, and who were constantly haranguing the people, in order to excite them to revolt, were the same who took the lead in all the subsequent insurrections and commotions which occurred in the capital, in the course of the Revolution. The Notables assembled, for the second time, in the month of November, 1788, for the purpose of deciding, or rather giving their opinion on, certain questions relative to the convention of the States General. The principal points for their consideration were, whether the different orders should sit in one chamber and constitute one assembly; or whether they should sit in different chambers, and form three distinct bodies, the concurrence of all of which, or at least of two of them, should be requisite to legalize their resolutions or decrees; and whether the numbers of each order should be equal, as had hitherto been the case, or whether the number of the Commons, or *third estate*, should be equal to that of the other two orders. This last was the most important of all the questions;—for if the states were to form one chamber, and the Commons were to constitute one half of its members, it was easy to foresee that the first two orders would be sacrificed, and the whole fabric of the constitution crumbled into dust.

But when it is considered that there existed not the smallest necessity for having recourse to a measure so pregnant with danger to the state;—that the mode of convening the States General, of taking their votes, and every other arrangement respecting them, had been fixed by the prescription of ages; and that the King possessed the undoubted right of regulating all these matters, by his sole authority,* the mind is lost in astonishment on contemplating the dreadful imbecility of the man who could, by wantonly promoting the public discussion of such questions, in such a nation as France, and at such a time, expose

* *Annals of the French Revolution*, by Bertrand Moleville, Vol. 1. p. 3.

every thing that was venerable in the country, every thing that was essential to the preservation not only of the monarchy, but of social order itself, to the most imminent risk of destruction. Mr. Neckar, brought up in the counting house of a banker, and having an education purely calculated for such a situation, was utterly unacquainted with the science of government, and knew as little of the qualities and the duties of a statesman, as of the forms and etiquette of a Chinese court.—A foreigner by birth, a Calvinist in faith, and a republican in principle, he was one of the last men in the world who should have been entrusted with the destinies of a *Catholic Monarchy*, at any time, but more particularly at a period when a turbulent spirit of innovation had gone forth, and when the people were ripe for every act of violence and outrage against persons and against institutions, which, till now, they had been taught to respect, and accustomed to venerate. What Mr. Neckar wanted in ability he made up in presumption; for never had a man a higher opinion of his own merits and qualifications, and this would not suffer him to perceive that he was wholly indebted to a singular combination of fortuitous circumstances for that unexpected elevation and popularity which his vanity led him to ascribe, exclusively, to his own personal deserts. His *intentions* might be *good*; but the man who, even with the *best* intentions, undertakes to hold an office on the due discharge of the duties of which the happiness and the welfare of millions depend, but for which he possesses not any of the requisite qualifications, is justly obnoxious not only to *censure*, but to *punishment*.

It was observed of Mr. Neckar, with at least as much truth as wit,

“ Agioteur adroit, ministre sans moyen,
 “ De rien il fit de l’or, et d’un empire rien.”

And what more could be expected of a man who was profoundly ignorant of the laws, and even of the history, of that country, the affairs of which he undertook to direct at a most critical period!

The discussion of the important questions submitted to the Notables

was not confined to that honourable assembly; it extended to the Coffee-house politicians of Paris, to the venal orators of the Palais-royal, and even to the noisy sybils of the Covent Garden, and the Billingsgate, of the French capital—Les Poissards, et les Dames de la Halle. All these worthies were, of course, clamorous in favour of the double representation of the Commons, which was truly considered as the very ground-work of the revolution. The Notables very soon perceived the mischievous tendency of this measure, and, almost unanimously, protested against its adoption, and in favour of the old constitutional mode of forming the States-General, of orders composed of equal numbers, but voting separately, and sitting in distinct chambers.—Neckar, however, observing that the people, or rather the populace, were of a different opinion, did not hesitate to make every sacrifice to his lust of popularity. Although he had caused the Notables, consisting of the most illustrious personages in the kingdom, to be assembled for the express purpose of delivering their opinion on the subject, an opinion by which, no doubt, it was intended to regulate the decision of his Majesty, he did not scruple to insult them, by rejecting that opinion with contempt, and by recommending his Sovereign to act in direct opposition to it, by deciding for the double representation of the Commons.

At this critical moment, five of the Princes of the Blood, the Count d'Artois, the Prince de Condé, the Duke de Bourbon, the Duke d'Enghien, and the Prince de Conti, presented a memorial to the King, in which they truly told him that the state was in danger, that a revolution was taking place in the principles of the government, occasioned by an extraordinary ferment in the minds of the people. Institutions held sacred, and by which the monarchy had prospered for so many ages, were made subjects of doubt and debate, and even decried as replete with injustice.—The various writings, memorials, and petitions, which had appeared, in different quarters, since the Assembly of Notables had commenced their sittings, all combined to prove a regular and well-digested system of disorder, and the existence of a supreme contempt for the laws of the realm. Every author had set himself up for a legislator; an elegant style and a facility of composi-

tion, even when unassisted by study, knowledge, or experience, seemed to constitute a sufficient qualification for regulating the constitutions of empires. Whoever advanced a bold proposition, or suggested some rash innovation in the existing order of things, was sure to find readers, and to gain partisans.

Such, said the Princes, was the unhappy progress of this effervescence, that opinions which, a little while before, would have been regarded as extremely reprehensible, were now considered as reasonable and just; and what the feelings of honest men now revolted from, would soon be received by them as regular and legal. Who could say at what point the temerity of opinion would stop? the rights of the throne had been disputed; opinions were divided on the rights of the two superior orders of the state;—very soon the rights of property would be attacked, and inequality of possessions held out as an object of reform. Already had the suppression of feudal rights been proposed, as a system of oppression, and a remnant of barbarism.

From these principles of innovation, and these desires of change, had arisen the design of obtaining, for the third estate, a double representation, so as to secure them a number of votes equal to those of the other two orders. The Princes here adverted to the injustice and danger of innovation, either in the constitution of the States-General, or in the mode of convening them; to the multitude of claims which such a change would engender; to the dangers arising, even to the Commons themselves, from the projected increase of the number of their representatives, and to the destruction of the constitutional balance so wisely established between the different orders, as well as of their respective independence.

They represented the importance of adhering to the only form of convening the States-General, which was consistent with the law and constitution of the empire; to the distinction of orders, to the right of separate deliberations, and to the equality of votes in the different chambers—"Those unalterable foundations of the French monarchy."—They observed, that to alter the form of the letters of convocation for the Com-

mons alone, and to summon twice the usual number of their representatives, even though the Commons should have but one voice in three, as heretofore, would give an indirect sanction to their claim, and, encouraged by this success, they would not remain contented with a concession attended with no practical advantage, and being of no use so long as the increased number of representatives made no alteration in the number of votes.

The Princes declared, that they should be exceedingly alarmed for the safety of the State, were the unconstitutional claims of the Commons ratified, and for the melancholy consequences which must result from the proposed alteration in the constitution of the States. Such an alteration presented to them a gloomy prospect; they saw every one, according to his views or his prejudices, changing the rights of the nation; a superstitious King giving the preponderance of suffrages to the clergy; a warlike King lavishing them upon the nobility who followed him to the field; and then would the Commons, who now sought to gain the superiority, have cause to repent the success of their own pretensions; each order, in its turn, oppressing or oppressed, the constitution corrupt or unstable, and the nation ever divided; and, for that reason, ever weak and wretched. But there were impending misfortunes of a still more distressing nature. Dissention must result from any violation of the rights of the two higher orders; for one or both of them might disavow the States General, and refuse to confirm their own degradation by taking their seats in the assembly. A great number of gentlemen would attack the legality of the States General, so illegally convened, would protest against them, would cause their protests to be registered by the Parliaments, and even present them to the States themselves. Hence would the validity of the decrees of the States be questioned by a part of the nation, who would eagerly seize the pretext for exonerating themselves from the burden of taxes, which, in their apprehension, would be illegally imposed.

They then made a strong appeal to the feelings, as well as to the justice, of the King, in behalf of that brave, respectable, and ancient nobility, who had shed so much blood for their country and their So-

vereigns ; who had placed Hugh Capet on the throne ; who had wrested the sceptre from the hands of the English, to restore it to Charles VIIth ; and by whom the crown was firmly settled upon the head of the reigning family. They called upon the Commons to forbear all attacks on the rights of the other orders ; rights which, being as old as the Monarchy, ought to be as unalterable as its constitution ; and to limit their attention to solicitations for the diminution of taxes which might be burdensome to them ; and then might the two other orders, regarding them as countrymen whom they loved, generously renounce all their own pecuniary privileges, and consent to support the public burdens with the most perfect equality. The Commons, on the other hand, were called upon to consider the consequence of persevering in unjust claims, and of succeeding in obtaining them. Judging by the general laws which governed all political constitutions, the French Monarchy must either degenerate into despotism, or become a democracy, two different species of revolution, but both of them to be deplored.

In this memorial the Princes certainly spoke with a prophetic spirit, of the calamities which awaited their country, from the destructive system about to be pursued. The Duke of Orleans refused to sign it, or to concur in the sentiments which it expressed. He was solely intent on courting popular favour ; and, in order to secure it, had recourse to means so different from those which he had been accustomed to practise, as clearly to shew that he had some great object in view. This Prince, who enjoyed a greater fortune than any subject in the kingdom, both in his own right, and in that of his wife, a most amiable lady, daughter to the Duke de Penthièvre, had, from his first entrance into public life, betrayed a disposition the most disgraceful, and the most degrading, to a man of rank. He evinced a fondness for every vice, without the manifestation of a single virtue. A gross voluptuary, or rather a vulgar debauchee, he indulged himself, without restraint, in every low and bad propensity, but displayed a sordid meanness to the wretched instruments and objects of his pleasures, which rendered him, if possible, still more contemptible than he was vicious. In short, there was no vice so high as to be above

his aim ; no vice so low as to be beneath his wishes. Though he had manifested, throughout his past life, the most despicable avarice, he now fell into the opposite extreme, and displayed the most ostentatious prodigality. He distributed bread to the poor in almost every parish in the capital ; when the cold was intense, he caused fires to be made, at his own expence, in the public squares ; he established temporary kitchens, at which his own cooks attended, to prepare food for the populace. And all these unusual, and most interested, acts of political benevolence were blazoned to the world in the prostituted prints of the day, and rendered him so popular as to give serious cause for alarm to the court, against which he made no scruple to proclaim his resentment. Previous to the assembly of the States General, the different representatives were supplied with instructions (called *Cahiers*) by their electors, pointing out those objects to which they wished their attention to be principally directed, in the approaching session. In the bailiwicks, belonging to himself, the Duke of Orleans caused instructions, which had been previously drawn up by the Abbé Sieyès,* to be adopted by the electors, and to be profusely distributed throughout the country. These, as may easily be supposed, breathed the wildest spirit of democracy ;—and in them appeared the first notice that was taken of a new law, to be proposed for sanctioning divorces in France, in opposition to the tenets of the established faith of the country ;—a law attended with effects as extensively destructive of morals and virtue, as its profligate framer himself could have wished. The ignorant populace evinced the greatest rapture when these instructions were read to them, although the greater part of them were far above their comprehension.

The Parliament of Paris, who had so materially contributed, by their seditious opposition to the King, to produce the present state of things, were weak enough to imagine that they retained the ascendancy which they had lately enjoyed over the minds of the people, and that it was as easy to calm, as they had found it to raise, popular clamour and popular discontent. They accordingly held a meeting, in which they

* Journal politique-national des Etats Generaux, &c. par M. l'Abbe Sabatier, p. 19.

privately discussed and determined the principal objects of reform and improvement, with which they thought the nation ought to be satisfied ;—and they published their decision, under the title of *A resolution upon the present state of the nation*. In this paper they asserted, that, as the approaching assembly of the States General might be considered as an assembly strictly national, it was necessary that the King, in convening it, should be pleased to adopt and promulgate their sentiments, as specified under ten distinct heads. I.—The periodical return of the States General. II.—Their right to mortgage certain taxes to the State creditors. III.—That it was a duty which the States owed to the nation to grant no subsidy that was not definite, both as to its amount, and as to its duration. IV.—Their right of freely settling and appointing the funds of each department of the revenue. V.—His Majesty's resolution of concerting means, with the States General, for the suppression of all partial taxation of the orders, and for the substitution of common subsidies to be equally levied. VI.—The responsibility of ministers. VII.—The right of the States General to impeach and prosecute, in all cases affecting the nation at large. VIII.—The power of the States General over the supreme courts, so as that these courts should not suffer any subsidy to be levied which had not been granted by the States, nor concur in the execution of any law which had not been either proposed or assented to by the States. IX.—The personal liberty of the subject, secured by the obligation to deliver every person apprehended into the hands of his natural judges, without the smallest delay; and, X.—the liberty of the press.

Though a circuitous mode of expression was here adopted by the Parliament, to express what might have been easily rendered perfectly plain and intelligible, and though it is difficult to conceive what right or authority they had thus to tutor their Sovereign, and to dictate the mode which he had to pursue, or the objects which he had to promote; yet it is certain that the plan of reform which they proposed contained points sufficiently favourable to liberty to satisfy every friend of rational freedom. But the Parliament very soon found that it was much more easy to raise a popular ferment than to direct it; the peo-

ple received with indifference, or rejected with scorn, every notion of reform which did not amount to a radical change of the government. And the magistrates were left to repent, at their leisure, those efforts to oppose even the lawful authority of the King, which had so lately been the objects of their boast and their pride, but which were now become sources of humiliation and reproach, inasmuch as it was evident that they were the principal means of giving that impulse to the popular rage, which now threatened to overwhelm themselves, in common with all the higher orders of the state.

It might naturally have been supposed, that, however vain and presumptuous Mr. Neckar might be, however confident of his own talents and knowledge, and however fond of popularity, after the unqualified opinions, deliberately formed, and publicly proclaimed, of the Princes of the Blood, of the assembly of Notables, of the Parliament of Paris, and even of the King himself, which was well known to be decidedly adverse to the plan of a double representation of the Commons, fear, if not decency, would have deterred him from acting in immediate opposition to them, and, from risking, by such conduct, the fate of the empire, and taking upon his own shoulders the most dreadful responsibility that was ever imposed upon man.—But Mr. Neckar was a *man sui generis*, he was actuated by no one principle by which politicians and statesmen would be influenced, in similar situations and circumstances. His vanity, which nothing but popular adulation seemed sufficient to satisfy, rose predominant over every other feeling, and reigned paramount over every duty and every virtue.—He persisted in his plan, and the King, who considered him as the minister of the people, and as being able, by his vast popularity, to prevent all those disastrous consequences which had suggested themselves to his own mind, and to the minds of his most able and most faithful counsellors, as likely to result from the adoption of this fatal measure, implicitly yielded, in a hapless hour, to his fatal advice, as contained in a memorial which he presented to his royal master, in which, with a degree of ignorance, equalled only by his intolerable presumption, he made himself personally responsible for the success of the plan, which he recommended, and desired that he

might be made the sacrifice to its failure, or, at least, to its production of any sinister event!—As if the offer of such a sacrifice could justify the adoption of so ruinous a measure, or as if the sacrifice itself of an obscure individual, or, indeed, of any individual, could afford the smallest compensation for the revolution of an empire, and for the ruin of the altar and the throne!—This request is without a parallel in the gloomy annals of human imbecility, or in the more lively, but not less degrading, records of human vanity.

In pursuance of these sentiments, the King, early in January, 1789, issued that fatal decree, which granted a double representation to the Commons. But, even then, had the minister been possessed of a common portion of prudence, or of political foresight, he might have obviated, in a great degree, the inconveniences naturally expected to result from this concession. The King's power to regulate the mode of voting, in the States, had not yet, even by the most furious partisans of democracy, been called in question: he might, therefore, have declared his pleasure, in this very decree, that the three orders should sit in different chambers, vote separately, and that every question should be decided either by the unanimous voice of the whole, or by that of the majority of the three; and such a declaration would have secured, at least, a decent reception under favour of the concession by which it was accompanied. But, strange to say, he wholly omitted to provide for an arrangement of such vital importance; not but that he had alluded to it in his stupid memorials, but he there treated it as a matter of subordinate consideration, if not of perfect indifference; contenting himself with expressing a hope that the different orders would settle this matter to the perfect satisfaction of the whole body;—A hope which no man, who was not totally deprived of reason, who had not voluntarily shut his eyes against surrounding objects, or who was not intent on producing a revolution in the state, (a design which no party has ever imputed to Mr. Neckar) could possibly have entertained.—The consequence, however, was, that every thing was left to chance;—and the numerous votaries of faction, the Parisian banditti, and the innumerable band of scribblers, whose perfidious productions issued from the press with the rapidity of lightning, were left to dis-

cuss, according to their pleasure, or their interest, the different modes of voting, and to make such impressions as they could on the minds of the nation at large.

During the interval which elapsed between the King's letter, of the 24th of January, for convening the States, and their actual meeting, which was first fixed for the 27th of April, but which was afterwards postponed to the 9th of May, every attempt was made, by means of the press, and of hired orators, stationed in the Palais Royal, and paid with money supplied by the Duke of Orleans, to persuade the people that a revolution was indispensably necessary to save them from destruction. The King was represented as a tyrant, and the nobility and the clergy as oppressors of the people.—The destruction of the last two orders was as freely discussed as any other object of reform: and, strange as it may appear, it is nevertheless certain, that no attempt whatever was made either to restrain, or to punish, this abominable licentiousness, which could never be tolerated, without danger, even in the most free and unexceptionable government in the world.—In short, it seemed as if all the lawful authorities of the State were seized with the same torpor which infected the minister, or rather as if a sudden dissolution of all political and social ties, and restraints, had taken place, and society were, in consequence, dissolved into its original atoms, or component parts. The populace, encouraged by this unaccountable inactivity of the police, proceeded from speculative rebellion to acts of practical revolt. Insurrections broke out, at the same time, in Paris, and in different provincial towns, in all parts of the kingdom, almost wholly directed against the nobility, who were, thus early, designated by the odious appellation of *Aristocrats*, and so marked out as fit objects of proscription and murder.—In a paper, publicly distributed on the *Pont Neuf*, at Paris, and distributed in the various suburbs of that profligate metropolis, the nobility were accused of monopolizing corn, and large bills were every where stuck up, threatening an immediate and general insurrection, if the price of that article were not reduced.

On the very day first appointed for the meeting of the States, (April

27th) the mob (as if it had been meant to make them rehearse the tragedy which they were destined to perform on a future day) assembled, armed with bludgeons, for the purpose of burning, in effigy, a peaceable and industrious citizen, of the name of *Reveillon*, who had an extensive manufactory of paper, in the suburbs of St. Anthony, which were the general resort of all the revolutionary ruffians.—The pretext for this outrage was at once so frivolous, and so false, as to leave little doubt that it was intended only as a revolutionary experiment, to try the temper of the people, and the patience of the police. And it answered to the utmost of their wishes, for the mob were suffered to amuse themselves in this way for several hours without the smallest interruption. During the night, an immense number of ill-looking fellows, of the lower class, were observed, by the persons stationed at the gates, to enter the capital. And at break of day, on the following morning, crowds of persons paraded the street, entered the shops and manufactories, and, distributing money to the men, took them along with them.—Having collected a sufficient force, they proceeded to the formal attack of *Reveillon's* house, which was well defended for five hours, by the city watch, who had repaired thither for that purpose. Resolved not to be disappointed, these patriotic reformers adjourned to the neighbouring residence of a Mr. *Henriot*, a manufacturer of saltpetre, who was a friend of *Reveillon's*. This house, not being prepared for an attack, was speedily forced, gutted, and its contents reduced to ashes. Flushed with success, they now returned to *Reveillon's*, forced an entrance, and were making a rapid progress in the task of demolition, when a strong party of troops arrived, whom they had the audacity to assail with tiles, stones, and beams, by which some were killed and others wounded. The troops then fired upon them, and afterwards entered the house, bayonets fixed, which they, at length, succeeded in clearing, though not till they had experienced a very obstinate resistance.—In this skirmish, twelve of the soldiers were killed, and about eighty wounded; the mob suffered more severely, two hundred of them remaining dead upon the spot, and three hundred of them being wounded.—Some of the latter, who were conveyed to the hospitals, or the prisons, confessed, on their death bed, that they had received twelve livres each for the day's work.—It was observed that,

on that very morning, the Duke of Orleans, passing through the suburbs of Saint Anthony, alighted from his carriage, went up to the mob, addressed them in the most familiar manner, and exhorted them to be peaceable and to go home. Whence it has been inferred, that he had nothing to do with this riot.*—But it is pretty certain, that there was nobody else who had the same interest, the same inclinations, and the same ability, to supply the very considerable sums which must have been expended on the occasion;—and his parting exhortation to the mob might be a mere feint to conceal a design which he did not yet think it prudent to avow. In order further to influence the minds of the people, and to afford a pretext for further acts of violence, circular letters were sent to the different corn-factors, farmers, millers, and graziers, under the forged signature of *Neckar*, enjoining them to discontinue the supply of provisions for the capital from the 20th of April to the 16th of May.—Mr. Neckar, however, when apprised of this fact, received the intelligence with apparent indifference, and forbore to take any measure for detecting and bringing to punishment the villain who had forged his name for so base a purpose. Nor does it appear that he caused any inquiry to be instituted with a view to discover the authors, leaders, and principal perpetrators, of these horrible outrages. Such was the pilot who was destined to guide the state-vessel through a boisterous sea, when buffeted by the winds of faction, and about to strike on the rocks of innovation.

It was easily foreseen, says one of the most intelligent writers on the Revolution, that the nobility and clergy would insist upon voting *by orders*, in order to preserve their *veto*, and not to be reduced to the state of mere *figurantes* in the States-General; and that the Commons would insist on voting *by heads*, for the purpose of giving a substantive enjoyment to the new existence which they had acquired; so that it was perfectly clear that they would never agree. It was perceived, and indeed publicly said, that the single difference of opinion which subsisted between the nobility and Commons, would soon be converted into an open schism; it was farther perceived, and said, that

* Bertrand's annals of the French Revolution, vol. i. p. 30.

the government had brought forward a problem that did not admit of solution, and that, by this conduct, it would destroy in the very bud, all the fruits which the national assembly were expected to produce.—The instructions of the bailiwicks to their deputies, which were published in succession, confirmed these gloomy presages.—Some of them supported the mode of voting by orders; others that of voting by heads;—but they were all equally imperative!*

During this conflict of parties, and this agitation of the public mind, the States-General assembled at Versailles. On the fourth of May, all the members of the three orders met in the church of Notre Dame, where they were joined by the King and Royal Family, who accompanied them, in procession, to the church of saint Lewis, where divine service was performed. It was remarked that, on their passage from one church to the other, the Commons and the King were loudly applauded by the surrounding multitude, but that a profound silence was observed while the clergy and nobility passed.—On the following day, (May 5th,) the King opened the States with a speech from the throne, in which he observed, that the day which he had so long and so eagerly expected, was at length arrived, when he found himself surrounded by the representatives of a nation which it was his glory to govern. The public debt, which was immense on his accession to the throne, had been further augmented during his reign, by an expensive but honourable war, necessarily productive of an increase of taxes, which had rendered the unequal burden of them more sensibly felt. His Majesty then adverted to the monstrous spirit of innovation which pervaded the minds of men, and which, he justly observed, would end in total destruction, if not timely prevented by an union of wise and temperate councils. He expressed his satisfaction at the disposition which had already been avowed by the first two orders of the state to renounce their pecuniary privileges. But, alas! vain was the hope which he manifested, of seeing all the orders of one mind, uniting with him for the general good. Nor was it decent in the mi-

* Journal Politique-National, &c. published under the name of the Abbé Sabatier, but composed by M. de Rivarol.

nister to suffer his master to declare, that he felt confident that such a hope would not be disappointed, when he knew that there was not the smallest ground for entertaining it.

The King next told the states, that he had given orders for considerable retrenchments in the public expenditure, and should receive, with eagerness, from themselves, those further ideas on the subject of retrenchment which he expected them to announce. But notwithstanding the adoption of a most rigid system of economy, he feared it would not be in his power to relieve his subjects from their burdens so speedily as he could wish. He said he should direct an exact state of the finances to be laid before them, and when they should have examined them, he felt certain that they would propose to him the most effectual means of placing them in a state of permanent order, and of restoring and confirming public credit; that great and salutary work, which would ensure to the kingdom happiness at home, and respect abroad, he especially recommended to their serious attention.—The minds of men were agitated, but the assembly of the representatives of the nation would, no doubt, listen only to the dictates of wisdom and of prudence. It was true, his Majesty observed, that those dictates had not been much attended to of late, but he trusted that the spirit which would mark the deliberations of the States, would correspond with the real sentiments of a generous nation, whose distinguishing characteristic had always been the love of their Kings.—He knew the authority and power of a just King, ruling over a faithful people, attached, at all times, to the principles of the monarchy, which had constituted the glory and the lustre of France, and of which it was his duty to be, and he ever would be, the support.—But, whatever could be required of a Sovereign who was the first friend of his people, they might, and ought to hope and to expect from his feelings.

He concluded with expressing a fervent wish (a wish, alas! not destined to be gratified) that a blessed harmony might reign throughout the assembly, and that epoch be rendered for ever memorable, by the happiness and prosperity of the kingdom. “It is,” said the benevolent Monarch—“the first wish of my heart—the most ardent of my

prayers ; it is the reward which I expect for the rectitude of my intentions, and for my love of my people.”

This speech was received, not with that silent respect which marks the more sober conduct of similar assemblies, in other countries, but with those violent acclamations, and those loud bursts of applause, which characterize the more lively and irritable disposition of Frenchmen. An incident, however, occurred which, though trivial in itself, sufficiently indicated the spirit which obtained among the turbulent members of the third estate. At the conclusion of his speech, the King resumed his seat on the throne, and put on his hat. The nobles, then, conformably to their custom at all former meetings of the States, and agreeably to a long established privilege, put on their hats. Several of the Commons, less from ignorance than disrespect, followed the example ; and instantly a tumultuous and most indecent exclamation of, “ Put on your hats !”—“ Off with your hats !” resounded in every part of the hall.—The King, with astonishing presence of mind, and with equal discretion, put a stop to this scandalous scene, by pulling off his own hat, and wiping his forehead, as if he were inconvenienced by the hat.—Of course nobody could remain covered, when the King was uncovered, and thus order was restored.

The Keeper of the Seals, Mr. Barentin, followed the King, in a short speech, containing nothing remarkable.—But that of Mr. Neckar which had excited the greatest expectations, not only in the members of the assembly, but in the great body of the nation, who seem to have expected, from him, the developement of some vast and indescribable plan, that was to operate wonders, and to possess the magic power of the philosopher’s stone, was more remarkable.—However great, and however varied, the expectations were, he had the singular felicity of disappointing them all. His speech was pompous, verbose, dry, and uninteresting ; it exhibited a superabundance of words, with a most woeful scarcity of matter. He told the States, indeed, that the King, who had assembled them, need not have assembled them, unless he had pleased ; that the deficit which had made so much noise might easily have been supplied from a thousand little resources, and that a

King of France could, with the greatest facility, gain over the representatives of the nation, if they deliberated and voted by heads. He eloquently explained all the difficulties which resulted from the organization of the States-General, and, that he might not infringe on their liberty, he left them to exercise their invention in the choice of their own means for extricating themselves from them.—He lastly hinted, pretty plainly, his preference of the mode of voting by orders.*

In thus opening the States-General, Mr. Neckar was guilty of another egregious blunder; and, indeed, he scarcely took a single step which did not serve to render his incapacity more manifest;—for he had made the King address an assembly of individuals, who might, or might not be, lawful members of the States; an absurdity which would have been easily avoided, by causing the examination of their appointments, or what was called the *verification of their powers*, to be made before, by proper officers appointed for the purpose. Nay, not only the absurdity of making the King address them as members, before they were legally clothed with that character, would, by this means, have been avoided; but a subsequent difficulty, which arose from the neglect, would have been prevented.—For want of this precaution, a ground of difference occurred between the different orders the very next day. The first two orders met in their respective chambers; while the Commons met in the large hall, appropriated for the reception of the whole upon particular occasions. Their first step was to invite the nobility and clergy to come to them to verify their powers. At no former meeting of the States-General had the smallest difficulty occurred as to the mode of performing this necessary act; and, indeed, considered in the abstract, it was a matter of no great consequence, any further, indeed, than as it went to establish a dangerous precedent.—But in the present situation of affairs, it could not be otherwise regarded, than as a part of the insidious plan of the Commons for abolishing all the rights and privileges of the superior orders of the state, by compelling them to form a part of one great assembly, in which,

* Journal Politique, &c. p. 20, 21.

it was certain, they would be outvoted, on every leading question.—The invitation was accordingly, and with very great propriety, rejected by the nobility, who proceeded to exercise their undoubted right of verifying their own powers:—and when this was done, they declared themselves duly constituted.

The Commons treated this declaration of the nobles with supreme contempt, and had the effrontery to assert, contrary to truth, and to the uniform practice of past ages, “that, until the first two orders had verified their powers in the Hall of the Commons, they could not be considered as legal members of the States-General.” The dispute on this subject occupied numerous sittings, to the total suspension and neglect of all those great public matters, for the due arrangement of which they had been convened. At length, on the 27th of May, the Count de Mirabeau, strange to say! proposed to his colleagues to invite the clergy, “*in the name of the God of Peace*,”—of that God to whose precepts he had been in the constant habit of disobedience, whose laws he had violated and despised, and whose authority he had publicly arraigned,—to unite with the Commons. As it was a great object to sow dissensions between the clergy and the nobles, every argument which ingenuity could suggest, as likely to work upon the former, was employed in this invitation.

The ministers, however, who had hitherto displayed a degree of indifference at passing events, amounting almost to torpor, began to betray symptoms of alarm at the growing schism in the States-General, and still more at the delay which it occasioned in those financial discussions, whence they hoped to derive the means of removing the distress under which the government laboured. They persuaded the King to suffer letters to be sent, in his name, to the first two orders, expressing his sorrow at the difficulties which had occurred in the verification of powers, (a difficulty which these ministers might, most easily, have prevented,) and at the consequent delay in the adoption of those measures which ought to have been taken for the happiness of his people; and desiring that they would confer with commissaries, to be appointed by the Commons, on the means of restoring tranquillity between the dif-

ferent orders. The nobles so far complied with the King's request as to agree to the proposed conference, but they passed a solemn decree or resolution, that the mode of deliberating, and voting by orders, was essential to the monarchical constitution, and that the nobles would constantly persevere in this principle, as being equally necessary to monarchy and freedom. These conferences were opened, and were conducted with great warmth, and great perseverance, on all sides; but, as might naturally have been expected, totally failed to produce the desired effect. The spirit of party now increased to a degree of inveteracy that seemed to destroy all hopes of accommodation; and inspired the real friends of the country with the most serious apprehensions. Under these circumstances, M. Malouet, a member of the Commons, anxious to prevent more fatal innovations, prepared an address to the King, and a resolution of the Commons, the object of which was to guarantee to the first two orders the enjoyment of their lawful property, and of their honorary prerogatives.* The mere acknowledgment of the necessity of such a resolution, by so sensible and intelligent a man as M. Malouet, displays, in a much stronger point of view than could result from the combined force of eloquence and partial acts, the spirit and temper of the democratic party, and the iniquitous designs of their abandoned leaders. That, in a settled government, which had withstood the shocks of foreign wars, and of domestic dissensions, for no less than fourteen centuries; and during the reign of a monarch, the most meek, benevolent, just, and virtuous of a long line of Princes, since the days of Louis the Twelfth, (and certainly not exceeded in all the amiable qualities of the heart and mind, by that justly revered monarch himself,) of a monarch who made the happiness and welfare of his people the rule of his conduct through life, (however he may have been, occasionally, mistaken in the means of promoting them, the purity of whose views had never been questioned, and who had just given the strongest proof of his affection for his subjects, in assembling the States-General;—that in such a government, and under such a monarch, there should exist a determined resolution to shake the very basis of social order, by the invasion of pri-

* Les Opinions de M. Malouet, tom. iii. p. 265.

vate property, and by the abolition of honours, sanctioned by the prescription of ages, and essential to the very existence of the monarchy, is a fact so astonishing as to require the conviction of experience, to secure it belief. But certain it is, that such a determination did actually exist, when M. Malouet communicated his proposed plan to the Abbe Sieyes, and to Target, (the Dunning of the Parisian bar,) the latter did not hesitate to avow his opinion, that it would be highly improper to guarantee *all* the lawful property of the nobility and clergy. The wily priest (who had agreed to sell himself to the Archbishop of Sens, during the administration of that prelate, for a benefice of £500 a-year, and to support all the measures of the court; and a mere accident alone had prevented the conclusion of the bargain,)* admitted the justice of securing the property, but advised that no mention should be made of honorary prerogatives; and when M. Malouet asked him whether he had any design of destroying the nobility, he frankly declared that he certainly had such a design.† M. Malouet, however, having prevailed upon Target to adopt his plan of an address to the King, after he had admitted some slight alterations, proposed it soon after to the Commons, in the form of a declaration: it was very favourably received; but a single observation from Mirabeau,—*that it was a message from the palace*,—induced that wise assembly to reject it.‡

The conferences between the delegates from the different orders finally broke off on the 8th of June, without producing any decision, it appearing evident that nothing less than a total submission, on the part of the first two orders, to the unconstitutional and destructive claims of the Commons, could satisfy the latter. The Commons now threw aside the mask; and, on the motion of the Abbe Sieyes, resolved (on the 10th of June) to request the attendance of the other two

* Bertrand's Annals, &c. p. 415—421.

† See Malouet's own account of this curious scene in the third volume of his published "Opinions."

‡ Mirabeau had no objection to the declaration itself, but was solely influenced by personal pique to Malouet, who had made an ineffectual attempt to promote Mirabeau's wish of coming into power. *Idem*, *Ibid*.

orders, in the Hall of the States General, to verify their powers; and the nobility and clergy were, at the same time, informed, that a general call would be made, and default pronounced against the absentees. This decisive step closed every avenue to conciliation. The nobles, who had already done all which the constitution required to qualify them to act as members of the States, of course refused to attend this insolent summons. But the clergy, many of whom were parish priests, taken generally from the lower orders of society, and, consequently, attached to the Commons, betrayed a disposition to yield; and, between the 10th and the 14th of June, several of them joined the democratic party. On the last of these days, the Commons had completed the verification of their own powers; and, on the following, declared themselves legally constituted. But the only lawful denomination which belonged to them, that of *the third estate*, or Commons, by which alone they had ever been distinguished, and which alone the constitution acknowledged and authorized, was not, in the minds of these self-created Sovereigns, sufficient to convey to the ignorant multitude an adequate idea of the consequence which they meant to assume, and of the power which they intended to exercise. They, therefore, utterly regardless of the strong fact, that they were sent thither by their constituents, only as members of the third estate, that, in that character alone, they had received their instructions, and that the King, and the two other orders, could not, legally, acknowledge them in any other capacity, entered into a long debate on the subject of the appellation, by which they should thenceforth be distinguished. Various titles were proposed by different members,—the Abbe Sieyes first suggested that of “*The assembly of acknowledged and verified representatives of the French nation.*”—Mirabeau proposed to call themselves, “*The assembly of the people.*”—Mr. Mounier contended, that the only true appellation was that of “*The assembly of the representatives of the greatest part of the nation, the smaller absenting themselves.*”—Rabaut de St. Etienne thought “*The assembly of the representatives of the French people,*” was the best;—but it was, at last, resolved, on a new motion of the Abbe Sieyes, to assume the title of “*The National Assembly.*”—This memorable resolution was not finally adopted till the 17th of June. It was prefaced

by observations purporting, that the assembly, after concluding the verification of their powers, found that it consisted of members directly returned by, at least, ninety-six out of every hundred electors in the nation; that a representative body of that magnitude must not remain idle on account of the absence of the deputies of a few bailiwicks, and of certain *classes of citizens*; for the absentees, who had been summoned, could not prevent those who had appeared from exercising all their rights, especially when the exercise of those rights was an indispensable and a *pressing* duty, (although they had neglected to exercise them for nearly six weeks; a time amply sufficient for an assembly of rational and honest men to transact all the business which they had been summoned to transact;) that as those representatives only who had verified their powers, (the nobility had previously verified *their* powers,) could concur in forming the national voice; and as every representative, who had verified, was to be found in that assembly, (a deliberate falsehood, because none of the nobility were there,) it necessarily followed, that it belonged to them, and to them alone, to interpret and make known the general will of the nation.—No other chamber of deputies, purely presumptive, could diminish the force of their deliberations; that, in short, there could exist, between the throne and that assembly, no negative power; that, accordingly, the assembly declared, that the common work of *national restoration* could, and ought to, be begun, without delay, by the deputies present, and that they ought to proceed without interruption, and without opposition; that the title of *national assembly* was the only one suitable to them, in the actual state of things, because the members who composed it were the only representatives who had *legally*, (another deliberate falsehood) and publicly, verified their powers; because they were directly returned (*as members of the third estate only*, be it observed,) by almost the whole body of the nation; lastly, because the national representation, *being one and indivisible*, none of the deputies, from whatever class chosen, had any right to exercise their functions separately from that assembly; (an assertion belied by the constitution itself, and by the historical and authentic accounts of former States General;) that the assembly would never relinquish the hope of being joined by the deputies then absent, nor cease to call upon

them to discharge the obligation of concurring to hold the States General; and they declared, before-hand, that, if the absent deputies should, in the course of the session then about to be opened, present themselves, they would receive them with open arms; and, after the verification of their powers, pursue, in conjunction with them, their labours for *the regeneration of France*; and that the National Assembly resolved, that the motives of their present determination should be presented to the King, and published to the nation. Target then proposed, and the proposition was adopted, that all the members should take the following oath:—"We promise and swear, before God, the Country, and the King, zealously to discharge the duties with which we are entrusted."

Never was a more wretched composition, a more miserable piece of sophistry and falsehood exhibited, than this resolution presented to astonished Europe; and how such men of sense, information, knowledge, and integrity, as Mounier, Malouet, and several other members of the assembly, could suffer it to pass, without exposing its defects, and entering a solemn protest against every part of it, it is difficult to conceive. If the nation had had no laws, no constitution, no customs, no precedents, to refer to;—if the members of the third estate had had no legal character, and had been convened for no definite object; but had met in order to frame a constitution and a code of laws for a nation, in its infancy, there might have been some excuse for such a declaration. But when their powers were known, when they had laws and precedents to guide them in the path which they were appointed to tread; and above all, when they had a monarch and a master, whose subjects they were, whose fiat called them into being, and whose will might dissolve them;—to talk of a *national restoration*; of a representation *one and indivisible*; of the *regeneration of France*;—was to assume not only the language of folly and presumption, but the tone of usurpation, rebellion, and treason!—Instead of following instructions, those licentious demagogues exercised the right of dictation;—in violation of their duty, of truth, and of the laws, they destroyed that distinction of orders which was essential to the constitution of the States General, arrogated to themselves the power of

robbing the whole body of nobility and clergy of their lawful rights and privileges, which were coeval with the monarchy,—and had the audacity to oppose their own false assertions to the established rules and customs of the realm, and to proclaim those levelling principles, which were eagerly adopted and extended by the multitude, and were, soon after, successfully directed against the altar and the throne.

Having assumed some of the attributes of supreme power, this motley assembly proceeded to substantive *acts* of sovereignty. The very first use they made of their power was to usurp the legislative authority, and to accuse the King, and all his immediate predecessors, as usurpers of a right which not one of them possessed. By their simple fiat, they annulled all existing taxes as *illegal*; and then, by their own authority, ordered them to be continued until others should be substituted in their stead, by themselves. As a pompous preamble, equally remote from truth and sense, was destined to precede all the seditious decrees which issued from the various assemblies, which, in succession, usurped the supreme authority of the State, so, on the present occasion, it was premised, that the national assembly, considering that the first use which they ought to make of their powers, the exercise of which the nation had recovered under the auspices of a monarch, who, conceiving the rights of a nation to form the true glory of Kings, had made his own rights consist in acknowledging those of the French people, is to secure the energy of the public administration;—willing to prevent the difficulties which might obstruct the levying of contributions; difficulties the more serious, as they were supported by a constitutional and ever sacred principle, clearly acknowledged by the King, and solemnly proclaimed in all the assemblies of the nation, namely, the principle which allowed of no levy of money, or contributions, in the kingdom, without the express consent of the representatives of the nation; considering that, in fact, the contributions, as then collected throughout the kingdom, not having been granted by the nation, *were all illegal*, and consequently null in their creation, extension, and *prerogatives*,* declared, that they con-

* This passage is extracted from Mr. Dallas's translation of Bertrand's Annals; the ori-

sented, provisionally, for the nation, that the imposts and contributions, although illegally established and collected, should continue to be levied in the same manner, as they had heretofore been, until the day of the separation of that assembly, in whatever manner that might be produced, and *no longer*;—after which day, the National Assembly meant, and *decreed*, that all levies of ~~im~~posts and contributions, which should not have been expressly, formally, and freely granted by the nation, should entirely cease throughout all the provinces of the kingdom, whatever was the form of their government. The assembly also declared, that, as soon as they should, in concert with his Majesty, *have fixed the principles of the national regeneration*, they would proceed to the examination and liquidation of the public debt, giving the creditors of the state, from that time, security on the honour and faith of the French nation. They finally resolved, that it was one of their first duties, to inquire into the causes of the existing scarcity in the provinces, and to provide a remedy for it in the most effectual and expeditious manner;—they accordingly determined to appoint a committee, to proceed on that important business, and to beseech his Majesty to cause all the documents of which they might stand in need, to be laid before that committee.

By these proceedings the Commons totally destroyed every vestige of that constituent body of the States-General, which had heretofore been known as the third estate; they even exceeded the powers vested, by the constitution, in the three orders of the States conjointly;—for these had no power of making a *law*, without the express approbation and consent of the King. It was easy, from this moment, to see at what the democratic party aimed, as well as to foresee the scenes of anarchy and disorder which followed. The monarchy had now received a severe wound; which might, indeed, be still cured by the wisdom of the King, and of his ministers; but which, if suffered to pass, without the immediate application of a proper remedy, must inevitably prove

ginal of which was never published. It is not easy to conceive what can be meant by the *prerogatives* of *contributions*, unless, indeed, it was intended to apply to the prerogative of raising taxes.

fatal. The leaders of this desperate party, well aware that they had passed the Rubicon, that they had exposed themselves not only to the suspicions, but the resentment and hatred, of the Sovereign, and of the nobility, resolved to fortify themselves by the aid of that ungovernable populace, with which Paris was crowded, and which were the most ready, and the most active, instruments of the revolution. Indeed, they had very early secured this powerful ally; and, during the late discussions, the hall of the assembly had been surrounded by a ferocious banditti, whose constant howlings, and horrid imprecations, were well calculated to inspire such of the new-made Sovereigns within, who were not in the secret, with terror and dismay. These savages insulted the members of the two first orders, and such of the Commons as were not sufficiently violent to ensure their approbation. Under such auspices, and with such sponsors, was the *new birth* of France, the boasted wonder of the present age, and the destined object of admiration to posterity, proclaimed to the world!—Tales were fabricated to keep alive the flames of revolt in the provinces, while the gardens of the Palais Royal constantly resounded with exhortations to rebellion and murder, now represented as deeds of virtue, and as proofs of patriotism. If the despotism of monarchy was destroyed, the more intolerable tyranny of terror was established in its stead. Such were the appropriate signs which marked the dawn of French *regeneration*!

During all these scandalous acts of public outrage, and no less scandalous violations of law, and of the fundamental principles of the French Monarchy, the same weakness and indecision which had distinguished the Royal Councils, before the meeting of the States, still continued to prevail there. No one step was taken, either to control the fiery spirits of the Commons, and to confine them within the established boundaries of duty and of law, or to punish the miscreants who preached treason in the capital, and destroyed the freedom of debate at Versailles. At length, however, the eyes of the King were opened, by this last unconstitutional proceeding of the Commons; he began to question the infallibility of his popular minister, and to entertain some serious doubts as to the wisdom and expediency of the conduct which he had hitherto pursued. Mr. Neckar, at this crisis, sug-

gested the expediency of holding a royal session (*seance royale*); the suggestion was adopted by the council; and the twenty-third of June was the day fixed on for the purpose. As some preparations were requisite in the place in which this session was to be holden, it was publicly proclaimed by the heralds, in all the streets, and public parts of Versailles, on Saturday, the 20th of June, between the hours of seven and eight in the morning, that the King, having resolved to hold a royal session in the States-General, on Monday the 22d of June, the preparations to be made *in the three halls*, used by the assemblies of the orders, rendered it necessary that those assemblies should be suspended till after such session; and that his Majesty would give notice, by another proclamation, of the hour at which he should go to the assembly of the States on Monday. And that the members of the third estate might be fully apprized of the King's intention, the Marquis de Breze, the master of the ceremonies, sent a letter to Mr. Bailly, who was then president of the assembly, at seven o'clock in the morning, to inform him of it.* Mr. Bailly replied, "that, having received no orders from the King, and the assembly having been announced for eight o'clock, he should attend where his duty called him." He accordingly attended at the door of the hall, accompanied by a great number of members, to whom, no doubt, he must have communicated the information which he had received from the Marquis de Breze. The officer of the guard acquainted them with his orders, and refused them admission. By this time three-fourths of the Commons had assembled in the street, and, with their usual volubility of tongue, and

* We are indebted to M. Bertrand de Moleville for the knowledge of this important fact, which was the more necessary to be ascertained and published, as the most gross misrepresentations of the King's conduct, on this occasion, had been circulated and, had obtained almost universal credit. Even the intelligent writer of the historical part of *Dodsley's Annual Register*, for 1789, speaking of this royal session, says,—“without the smallest communication to that assembly (of the third estate) of what was done or intended, *without letter or notice of any sort to their president*; without the smallest preparatory address or management, a party of guards took possession, in the morning, of their hall. Workmen were sent in to erect a throne for the King, the royal session was formally proclaimed by the heralds, and *Mr. Bailly, the president*, with other members of the Commons, were repulsed without ceremony, or explanation, from their own door.” p. 231.—And it is lamentable to see a second edition of this work, published so late as 1802, without any correction of this gross mis-statement of facts.

disregard of decency, launched forth into the most violent declamations against the government, and used every effort to inflame the minds of the gaping multitude around them. "The National Assembly," said they, "is to be dissolved, and the country to be plunged into the horrors of a civil war; want reigns every where;—every where the people see famine staring them in the face. We were about to put an end to this, by rending the veil which covers the manœuvres of the monopolists, the engrossers, and the whole tribe of miscreants. The Louises XI. and XIII. the Richeliens, the Mazarins, the Briennes, attacked only individuals, or small bodies, with their despotism; but here it is the whole nation that is made the sport of the whims of a despotic ministry."—"Let us assemble on the *Place d'Armes*," said one of these patriotic declaimers, "there we shall recal some of the noblest days of our history, *the national assemblies of the field of May*." "Let us assemble," said another, "in the gallery of the palace, there we shall present a new sight, by speaking the language of liberty, in that corrupt hall, where, a little while since, the head of him who should have uttered that sacred word would have been devoted to the executioner." "No, no;" said a third, "let us go to Marli, and hold our sitting on the terrace; let the King hear us; he will come from his palace, and will only have to place himself in the midst of his people to hold the royal sitting."*

After the mortified Commons had thus vented their spleen in puerile invectives, and bombastic declamation, which would have disgraced a spoiled child, they resolved to transfer their sittings to the Tennis-Court, in the *Rue du vieux Versailles*. Here Mr. Bailly read the letter which he had received in the morning from the master of the ceremonies, with his own answer to it;—and he had scarcely finished the perusal of the latter, when a second letter from the Marquis de Breze was put into his hands, of which the following is a transcript:

"It was *by the King's positive order*, Sir, that I did myself the ho-

* Bertrand's Annals, vol. i. p. 74, 75.—Analyse Impartiale du Moniteur, folio, p. 14.

nour of writing to you this morning, to inform you that as his Majesty proposed to hold a royal session on Monday, and as some preparations were necessary in the three halls of the assemblies of the different orders, it was his intention that no person should be admitted into them, and that the sittings should be suspended till after the session to be holden by his Majesty.”*

“When this letter was read, some of the democratic maniacs exclaimed that the Marquis was guilty of *treason against the country*, and that, unless he produced the King’s order, he should be impeached. A scene now followed as disgraceful as any which had been hitherto exhibited. Bailly first rose, and with affected vehemence, and hypocritical lamentation, bewailed the melancholy fate with which the assembly were threatened, and recommended the consideration of some means for averting it. Mr. Mounier, who ought to have known better, but who suffered himself to be led away by men infinitely inferior to himself, in intellectual endowments, as well as in moral virtues, moved the following resolution ;

“ The National Assembly, considering, that, as they had been called upon *to settle the constitution of the kingdom, to effect the regeneration of public order*, and to support the true principles of the monarchy, nothing should prevent them from continuing their deliberation, and completing the important work for which they were convened ; and considering, also, that in whatever place they may be forced to hold their sittings, or, in short, wherever its members shall meet, there will be the National Assembly :—Resolve, that all the members of this assembly shall instantly take a solemn oath, not to separate finally, but to meet wherever circumstances may make it requisite, until the constitution of the kingdom, and the regeneration of public order, shall be established, and firmly settled upon solid foundations ; and that, after this oath shall have been taken, by all its members, they shall all, individually, by their signatures, confirm their immoveable resolution.”

* Bertrand’s Annals, vol. i. p. 76.

Chapelier, Target, and Barnave seconded the motion, and the oath was taken by all the members of the assembly, as, no doubt, would any other oath have been, however unconstitutional and absurd, except by one deputy, M. Martin D'Auch, the member for Castelnau-dary, whose name deserves to be transmitted to posterity, in company with that of Mr. Strutt, the member for Maldon, who was the single negative in the British House of Commons on a motion for a vote of thanks to an admiral for not fighting the enemy's fleet on a lee shore, but suffering it to retreat, at its leisure, into its own harbour. On the refusal of this honest gentleman to take an oath which his conscience rejected, a general cry of indignation burst from this virtuous assembly of the champions of *freedom* ! With some difficulty, the president Bailly, prevailed on the members to hear the reasons that Mr. Martin had to assign for his opposition to the measure ; when he told them that he did not feel himself at liberty to enforce any decrees which were not sanctioned by the King.*

It is perfectly clear that this deputy understood his duty better than his colleagues ; or at least, that he had more honesty than they in discharging it faithfully. The resolution entered into was replete with falsehoods, and wholly unconstitutional.—It was false to assert, that the States were called to settle the constitution of the kingdom, which had been settled for centuries, or to effect the *regeneration* of public order ; they were specially called to assist the King to surmount the difficulties in which he was involved (through the imbecility of his ministers, and the factious conduct of the Parliament of Paris) to establish, agreeable to his wishes, a steady, constant, and invariable order, in every part of the government, that interested the happiness of his people, and the prosperity of his kingdom ;—and to propose, remon-

* Analyse complete et Impartiale du Moniteur, p. 14.—This impartial chronicler of the Revolution, in order to signalize the boasted justice and impartiality of the assembly, on this occasion, observes—" the signature of Mr. Martin, (to his protest) was allowed to remain, as a proof of the existence of the freedom of opinion !" —So that, according to this confession, the assembly assumed to themselves the right of refusing to any member, who should differ in opinion from the majority, the privilege of having his sentiments conveyed to the public through the same channel by which those of others were conveyed.

strate, advise, and consent, to every thing which might concern the present or future wants of the State, and the reform of abuses.*—This was very different from a call to settle the constitution, and to effect the regeneration of public order, which supposes the pre-existence of anarchy.—The resolution was unconstitutional, inasmuch as its object was to declare the assembly permanent; whereas the constitution gave the King the right to dissolve the States at his pleasure;—a right which the monarch had invariably exercised, and which had never yet been called in question. The oath by which this seditious resolution was confirmed, was called the *Tennis-Court Oath*.—After it had been taken, the members, as if resolved to add insult to injury, made the court resound with cries of *Vive le Roi!*

As the preparations in the different halls took up more time than was expected, it became necessary for the King to postpone the Royal Session, to Tuesday the 23d of June. And this was accordingly announced, in the usual way, by the heralds, and the members of the States were invited to attend at ten in the morning of that day. The King, as if resolved that Bailly should not again have recourse to the pitiful pretext of not having received instructions directly from him, as an excuse for his disobedience, condescended to write to him on the Sunday, to apprise him of the fact.—And, by the superscription, the President might learn, that the usurpations of the assembly were disapproved by the King, who very properly addressed him as *President of the order of the third estate*.—Yet, notwithstanding this letter, Bailly repaired, on the Monday morning, to the 'Tennis-Court; but as great numbers of the populace, who had been in the habit of mixing with the members in their *hall*, had arrived there before him, the place was not sufficiently capacious to contain them. They then moved to a Franciscan Convent in the town, but the monks very wisely refused them admission, and, having more loyalty than themselves, told them, that “they could not possibly consent that an assembly, in opposition to his Majesty’s orders, should be holden at their house.”—These wandering deputies vowed vengeance against the loyal monks, and then paraded to their own hall, where, of course, they knew they should

* See the King’s circular letter for the convocation of the States.

be refused admittance. Thence they paraded to the church of St. Louis, which was open to receive them. All this moving from place to place, had, no doubt, been preconcerted, and its object was evidently to alarm and to irritate the people.—The Bishop of Chartres, and several members of the clergy, also repaired to the same church, and deputed eight of their members to the Commons, to ask whether they were willing to allow the clergy their usual precedence. The Commons answered with the same regard to truth which they displayed on all similar occasions,—“ That the National Assembly respected the rights of the first orders of the State, and that, far from attacking the honours due to them, they would be the foremost to defend them.”—And the members of this deputation were told that the seats placed on the right of the president were reserved for the clergy, a sure proof, as Mr. Bertrand de Moleville justly observes, that all this scene had been previously concerted.—After these preliminaries, the Commons were joined by no less than one hundred and forty-nine of the clergy, among whom were the archbishops of Bourdeaux and Vienne ; and the bishops of Chartres and Rhodéz.* This proceeding of the clergy was most irregular, as it was adopted clandestinely, and without the knowledge of the order to which they belonged, which, in obedience to the King’s command, had suspended its sittings since the 20th of June.†—It had certainly been produced by the intrigues of the Commons, who spared no pains to sow divisions between the two first orders of the state ;—and the exultation expressed on the occasion was suitable to the importance of the object.

On the morning of the 23d of June, the King repaired to the great hall, attended by his principal ministers, and officers of his household, and followed by the three orders of the States. He told the assembly, that in assembling the States-General, in surmounting all the difficulties which attended their convocation, and in thus anticipating, as it were, the wishes of his people ; he thought he had done all that depended on him for the good of his people. It appeared that the States had only to complete the work which he had begun, and the

* Analyse du Moniteur, p. 14.

† Bertrand’s Annals, p. 82.

nation waited, with impatience, the arrival of that moment, when the beneficent views of their Sovereign, concurring with the enlightened zeal of their representatives, would enable them to enjoy that prosperity which ought to result from such an union. His Majesty observed, that the States-General had now been opened nearly two months, and had not even settled the preliminaries of their operations. Instead of that perfect harmony which the love of their country should have produced, a fatal division had spread alarms in every mind. He was led to believe, and he delighted to think, that Frenchmen were not changed ; but, that he might not have to reproach any of them, he must suppose that the renewal of the States-General, after so long an interval, the agitation by which it was preceded, the object for which it was convened, so different from that which called their ancestors together, the restrictions in their powers, and various other circumstances, had necessarily occasioned opposition, debates, and exorbitant pretensions. It was a duty which he owed to his kingdom, and to himself, to put a stop to these fatal divisions ; and, for that purpose he had then come among them.—As the common father of all his subjects, as the defender of the laws of his kingdom, he had come to point out their true spirit, and to repress every infringement upon it. But, after having clearly established the rights of the different orders, he expected from the zeal of the two first orders for their country, he expected from their attachment to his person, he expected from their knowledge of the evils which harassed the state, that, in all matters concerning the general good, they would be the first to propose a re-union of advice and opinion, which he considered as necessary in the present crisis, and which was calculated to ensure the safety of the state.*

One of the secretaries of state then read the royal declaration, which consisted of fifteen articles. In the first of these, the King declared his will that the ancient distinction of three orders in the state should be preserved entire, as essentially connected with the constitu-

* Bertrand's *Private Memoirs* relative to the last year of Louis the Sixteenth, vol. i p. 357—359.

tion of his kingdom, that the deputies freely chosen by each of the three orders, forming three chambers, deliberating by orders, but having the power, with the approbation of their Sovereign, to consent to deliberate in common, could alone be considered as forming the body of the representatives of the nation. Therefore, the King declared the resolutions of the third estate, of the 17th of June, and their subsequent proceedings, null, as being contrary to law, and repugnant to the constitution.—In the second article, his Majesty declared valid all the powers which either had been, or should be, verified, in each of the chambers, and respecting which no objection had arisen.—By the third, the King broke, and annulled as unconstitutional, contrary to the letters of convocation, and prejudicial to the interests of the state, the restrictions in the powers, which, by restraining the freedom of the deputies, would prevent them from following their own inclinations relative to the mode of deliberating, either by orders or by heads.—In the fifth article, the King allowed such deputies as conceived themselves bound, by their instructions, to apply to their constituents for fresh powers.—In the sixth, he declared that he would not allow such instructions to be considered as imperative, but merely as advice, which the deputies might follow, or not, according to their consciences.—In the seventh, he exhorted the three orders to unite, during the sitting of that assembly of the States only, in order to deliberate in common, upon matters of general utility ; but he expressly excepted, from such deliberations, every thing which regarded the ancient and constitutional rights of the three orders, the constitutional form to be given to succeeding States-General, feudal and manorial properties, the useful rights and honorary prerogatives of the two first orders. He also rendered the particular consent of the clergy indispensable to every regulation, respecting religious concerns, and ecclesiastical discipline.—By the fourteenth article, the King directed that the general assembly of the three orders should be presided by presidents chosen by each order, and according to their established rank.—In the fifteenth, his Majesty forbade, for the sake of decency, good order, and freedom of opinion, that any other persons than the deputies themselves should be present during the debates.—The intermediate articles related chiefly to the means of deciding cases of disputed returns.

The King, after these articles had been read, again addressed the assembly, and told them that he should now lay before them the different advantages which he granted to his people; but not with a view to circumscribe their zeal within the circle which he was about to describe; for he would adopt, with pleasure, every other means of promoting the public good, which should be proposed by the States-General.—He flattered himself that he had done more for his country than any other monarch had done for any other nation; but no nation deserved more, for their sentiments, than the French. And he did not hesitate to express his opinion, that those persons, who, by preferring exorbitant claims, or by raising unnecessary difficulties, should still protract the effect of his paternal intentions, would render themselves unworthy to be considered as Frenchmen.

When the King had said this, the second declaration of *his intentions*, which might be considered as the proffered *Magna Charta* of France, and which, it had been happy for the French, had they accepted,—was read.—It contained five and thirty articles.—In the first, it was declared that no new tax should be established, and no old one extended beyond the term fixed by the laws, without the consent of the representatives of the nation. No taxes whatever were to continue beyond the period of the meeting of the next assembly of the States, to that by which it was imposed. No loans were to be made without the consent of the States, except in the event of a war, when the King might borrow any sum not exceeding a hundred millions of livres, rather more than four millions sterling. An account of the revenue, and of the expenditure, was to be published yearly, in a form to be proposed by the States, and approved by the King. All the expences of the different departments of the government, and even of the royal household, were to be fixed, and never exceeded. All exemptions from the payment of taxes were to be abolished, (as proposed by the two first orders) and they were thenceforth to be levied equally upon every description of subjects.—Respect for property of every description, for tithes, renewed rents, feudal dues, and manorial rights, was to be observed and enforced.—Means were to be proposed by the States, for reconciling the abolition of *Lettres de Çachet*, with the support of public safety, and

the preservation of the honour of private families ; and for securing the liberty of the press, without violating the respect due to religion, morality, and private character.—It was proposed to establish Provincial States throughout the kingdom, to be composed as follows :—two-tenths clergy, one-half of whom must be chosen from the Bench of Bishops ;—three-tenths nobles ; and five-tenths, or one-half, members of the Commons.—These were to be freely chosen, and some qualification in property was to be requisite for every member. These States were to be entrusted with the administration of the provinces, and with the care of the hospitals, prisons, charitable institutions, woods, and forests. The King called upon the States-General to devise the means of turning the royal demesnes to the greatest advantage ; and to complete a plan which his Majesty had long had in contemplation for abolishing all Custom-houses in the interior of the kingdom, and for having none in future, but on the frontiers of the kingdom, in order that a perfect freedom of commercial intercourse might be established throughout the realm. The extreme importance of this regulation can only be conceived by those who have either lived, or travelled, in France, and who must, consequently, have witnessed the great inconvenience arising from the petty Custom-houses in every town. The King suggested the propriety of taking into their serious consideration the bad effects of the duty upon salt, (known by the name of the *Gabelle*,) and of, at least, providing the means of rendering it less burdensome. He promised to examine, with the most serious attention, the plans which the States should present to him, for the better administration of justice, and for improving the codes of civil and criminal laws. He declared his will, that all laws which he should promulgate, during the sitting of the States, and with their advice, or agreeably to their wishes, should be registered without delay, and carried into execution throughout his kingdom. Personal labour, (*La Corvée*) in lieu of highway-rates, was totally abolished. His Majesty recommended the abolition of the Seignorial right of *main-morte*, as soon as a proper indemnity could be found for the lords who derived any emolument from it ; and he called upon the States to adopt such new regulations, with respect to the Militia-Laws, as might, without losing sight of the necessary defence of the State, afford that relief to his subjects which he was desirous to extend to them. His Majesty, lastly, declared his

will, that all the laws which should receive the sanction of his authority, during the sitting of the present States-General, and particularly those relating to the liberty of the subject, to the equality of imposts, and to the establishment of Provincial States, should never be changed without the consent of the three orders, taken separately ; and in the concluding article he reserved to himself the same exclusive power over the army, and the police, which had been constantly enjoyed and exercised by all the monarchs of France.

When these articles had been read, the King once more addressed the assembly ; telling them, that they had now heard the result of his inclinations, and of his views, which were conformable to the lively desire which he felt to promote the public good ; and if, by any fatality, the States should desert him in so glorious an enterprize, he would alone achieve the welfare of his people ; and he would consider himself alone, as their true representative ; and, knowing the instructions which had been given to the States, knowing also the perfect agreement which existed between the wishes of the nation, those expressed, and his own beneficent intentions, he should feel all the confidence which such agreement ought to inspire, and should advance, with courage and firmness, towards the object which he had in view.—He then reminded the States, that none of their plans, none of their resolutions, could be converted into laws, without his special approbation. Whence he inferred, that he was the natural guarantee of their respective rights ; and he assured them, that they might rely on his equity and impartiality. All mistrust on their part would be great injustice to him.—It was he who had hitherto done every thing for the happiness of his people ; and it probably seldom occurred, that the only ambition of a Sovereign was to prevail on his subjects to agree among themselves, in the acceptance of his benefactions.—He concluded by adjourning the States till the next morning, when each order was to resume its deliberations in its own chamber ; and he ordered the Grand Master of the Ceremonies to have the three halls duly prepared for their reception.*

* Bertrand's Private Memoirs, p. p. 366—380. Vol. I.

In considering the conduct of Louis the Sixteenth, on this memorable occasion, it would be perfectly unjust, and, indeed, ridiculous to compare the plan which he presented to the States with the fixed constitution of a free State. It should not be forgotten, that France, at this period, had a settled constitution of her own, which had been in force for a long series of ages, and by which the King was the sole maker and executor of the laws;—in him the whole of the legislative and executive authority was vested; it had been exercised by him, and by his ancestors, for centuries, without question or control; and it was not in the power of the States to deprive him of any portion of it without his own consent; as without that, as he very truly told them, no resolution of theirs could have the force, or effect, of a law.—In the utmost plenitude of his authority, then, *legally* speaking, he voluntarily came before the representatives of the people, and generously proposed to surrender, into their hands, a considerable proportion of that power which the constitution had placed exclusively in his own. He offered to resign the most important part of his prerogative; to strip himself of the authority to make laws, by his own will, and, henceforth, to make none without the advice and consent of the States-General.—The same power of levying imposts, which had been equally a portion of the kingly prerogative, for ages, he spontaneously abandoned to the same assembly. Arbitrary arrests, by virtue of *Lettres de Cachet*, which, odious as they were, the King was certainly empowered, by the constitution, to order; together with those taxes, which bore immediately on the people, he abolished;—and he took another material step in favour of civil liberty, by establishing the freedom of the press.—However defective, therefore, his plan might appear, if considered as a new and entire constitution, for a new country, it cannot fail, under the peculiar situation and circumstances of the country to which alone it applied, to strike every rational mind, as an irrefragable proof of the King's purity of intentions, of his ardent love for his people, and of his eager desire to make their happiness and welfare the rule of his conduct.—As such it was entitled to the deepest gratitude of his subjects;—and, although the authoritative terms in which those important concessions were announced, might appear grating to the ears of men, living under a

British constitution, it must be remembered, that it was the customary style of the French monarchs, to the States-General, and had never given birth to a single murmur, nor occasioned a single objection.

It is worthy of remark, that Neckar, who originally proposed the royal session, and drew up all the articles but one or two, under a frivolous pretext of visiting a sick relative at Paris, absented himself from the hall when it was held, and left the chair, prepared for him amongst the other ministers, vacant; thereby giving rise to various conjectures, some alarm, and much discontent. His absence is supposed to have been occasioned by some trifling alterations in the plan which he had originally suggested to the King; and, by the wound which his intolerable vanity sustained, by the conduct of his Sovereign, who, in a matter of such extreme importance, deemed it prudent to take the advice of his principal nobility, and, for that purpose, summoned an extraordinary council.—The corrections suggested by this council, and adopted by the King, related to four points.—I. Neckar had omitted, in his declaration, to annul the irregular proceeding of the Commons, in the Tennis-Court, and their unconstitutional assumption of the title of *National Assembly*;—both of which the council deemed essentially necessary.—II. Neckar had taken no notice of the distinction of orders, but merely authorized the assembly to vote, by heads, during that session; whereas the council determined that it would be proper to allow them so to vote, only on questions which affected every description of citizens.—III. Neckar's plan declared, in the true republican spirit, that the citizens of every class should be admitted equally into all offices, without any other distinction than that of abilities and virtue.—But the council were of opinion, that the article should be suppressed, because, before the ordinance passed, during the administration of M. de Segur, all descriptions of citizens were admitted into military employments; as they had always been into the magistracy, and into the church, nothing more was necessary for the attainment of Neckar's object, than the simple revocation of that ordinance by the King. And, lastly, Neckar, who, from principle and education, was an advocate for

democracy, proposed to empower the assembly to regulate the constitution of all subsequent States-General. But the council very wisely resolved to suppress an article which tended to rob the King of his prerogative, in order to confer it on the States-General; for the right of regulating the form and constitution of the States-General belonged, essentially, and had always belonged, to the King alone. And, if this suggestion of Neckar's had been adopted, there could be no doubt that all future assemblies of the States would be composed precisely like the present, having two-thirds of its members selected from the commonalty; for, besides the six hundred members of the third estate, there were two hundred out of the three of which the order of the clergy consisted, who were parish priests, taken from the lower classes of society; consequently, the ancient and unquestionable prerogative of the Crown, in this respect, would be annihilated !*

The King's adoption of the proposed corrections so mortified the vanity of Neckar, who thought himself infallible, that he determined not to attend his royal master to the hall, and he even carried his insolence to such an extent, that he did not ask the King's permission to be absent, nor even had the decency to apprise him of his intention.—Whether this was done with a view to make the public believe that he was adverse to the very measure which he had himself suggested, or for the base purpose of raising his own consequence at the expence of his Sovereign's well-earned popularity, can only be a matter of conjecture, but certain it is that it produced both these effects.

When the King had left the hall, nearly all the bishops, many of the inferior clergy, and the greater part of the nobility, withdrew, in obedience to the Royal command.—The other members hesitated, and were mute. The King's Speech had made such an impression on numbers of them, that an almost general movement indicated a disposition to obey his injunctions, and to accept his proffered conciliation.—But that profligate demagogue, Mirabeau, who had other

* Bertrand's Private Memoirs, Vol. II. p. 165, 166.

objects in view, better suited to his restless and turbulent ambition, than the restoration of harmony between the King and his people, knowing the tools he had to work with, burst out into the following senseless rhapsody:—"Gentlemen, I confess that the plan which has just been submitted to you might be beneficial to the country, if the gifts of despotism were not always dangerous. Why this dictatorial language, this train of arms, this violation of the national temple, to command you to be happy? Who gives you the command? Your Vicegerent. Who makes imperious laws for you? Your Vicegerent; he who should receive them from you; from us, gentlemen, who are invested with a political and an inviolable *supremacy*; from us, to whom, *alone*, twenty-five millions of men are looking for certain happiness, as it must be granted, given, and received, by all. But the freedom of your debates is fettered; a military force encircles the States. Where are the enemies of the nation to be found? Is *Catiline* at our gates? I insist upon it, that, arming yourselves with your dignity, and your legislative authority, you recollect the *religious* obligation of your oath; an oath which does not allow you to separate until you have established the constitution."*

This harangue, which might have been sooner expected to issue from the mouth of one of the breechless orators of the suburb of St. Anthony, than from the lips of a classical scholar, and a nobleman; and which any other assembly in the world, than that which the Count now addressed, would have treated with contempt for its imbecility, if its seditious tendency had not extorted their indignation; operated like an electric shock on the members of the third estate, banished, in an instant, every generous impulse of loyalty, every honest dictate of genuine patriotism, from their hearts; and rendered them as rebelliously disposed as the factious demagogue who uttered it. The ideal sovereignty, with which this emissary of faction invested them, the visionary *supremacy*, with which he clothed them, the audacious licentiousness of his inflammatory tongue, which, thus early, dared to avow the deep-laid plan of systematic subversion, by robbing the King

* Idem. Ibid. 167.

of his attributes and prerogatives, and proclaiming him to be the *servant* of his *subjects*;—all these, which would have inspired an assembly of grave, rational, and sober-minded patriots, with the deepest disgust, produced a totally different effect on the strange mixture of briefless barristers, needy parish-priests, and factious adventurers, which constituted a very considerable portion of this representative body of the French commonalty. Their puerile, and almost *infantine*, vanity subdued every worthier sentiment of their minds, and every better feeling of their nature, and they became perfectly ripe for any manifestations of a seditious spirit, which their profligate leader might deem it expedient to call forth.

The Grand Master of the Ceremonies, whose peculiar province it was to superintend those preparations, or alterations, in the hall, in which the orders assembled, which might be necessary for the different purposes to which they were occasionally devoted, staid after the King for that purpose. Having waited some time, and finding there was a disposition to disobey the King's order of adjournment, he said, "Gentlemen, you have heard the King's intentions."—"Yes, Sir," answered Mirabeau, "we have heard the intentions which have been suggested to the King; and you, who cannot be his organ in the States-General; you, who have here neither seat nor voice, have no business to put us in mind of his speech.—However, to avoid all ambiguity and procrastination, I declare that, if you have been commissioned to turn us out of this place, you must go for orders to employ force, for we will not quit our seats unless compelled by the bayonet." Here Mirabeau took upon himself to answer for the whole meeting, and Mr. Bailly, their President, and Speaker, the only legal organ of the assembly, remained like a mute in his chair. Many of the members, feeling bold from the assumed boldness of the man whom they suffered to lead them, exclaimed together, "Yes! yes! nothing but force can drive us hence;—the assembly are determined!" The Marquis de Brezé not appearing satisfied with this answer, Mr. Bailly, at length, broke silence, but only to utter a wilful and deliberate falsehood; for he said, "The assembly resolved yesterday that they would continue to sit after the royal sitting; I can make no change in that re-

solution, it must be discussed by the assembly.”—The fact was, that no such resolution had been entered into by the assembly ;—it was not to be found in the minutes of the assembly, and their official reporter, the *Moniteur*, takes no notice of it whatever.* These representatives must have been hard driven, indeed, to be reduced to the necessity of justifying disobedience by falsehood ;—for every member who heard the President utter this gross fabrication, and forbore to contradict it, incurred the guilt of adopting it, and was equally culpable with its author. The Master of the Ceremonies, having asked the President whether he was to carry this answer to the King, and being told that he was, withdrew.

Mirabeau, alarmed for the consequences of his seditious declamations, and trembling for his own personal safety, shrouded his fears beneath an affected enthusiasm, and exclaimed, “ Blessed be Liberty for ripening such noble fruit in the National Assembly !—Let us ensure our work by declaring the persons of the deputies to the States-General inviolable. This is no manifestation of fear, it is an act of prudence, to impose a restraint on the violent counsels which besiege the Throne.” This motion was unanimously adopted ; and, after some discussion, was moulded into the following resolution, one of not the least extraordinary to be found in the annals of French legislative wisdom.

“ Considering the necessity of securing the freedom of speech, and the right of each deputy to the States-General to inquire into, censure, and denounce, every kind of abuse, and every impediment to public happiness and to liberty, the National Assembly RESOLVE ;—That the person of each deputy is inviolable ; and that every person, whether public or private ; every body corporate, court, or commission, whatsoever, that shall, during, or after the present session, *reproach*, call to account, or cause to be called to account, ill-treat, or cause to be ill-treated, arrest, or cause to be arrested, detain, or cause to be detained, the person or persons of one or more deputies, for any proposition, advice, opinion, or speech, advanced, given, or made, by him or them, in or to the

* *Analyse du Moniteur*, p. 16.

States-General, or in any of their official assemblies or committees, shall be deemed infamous, and *traitors to their country* ;—and, also, that on all such occasions, the National Assembly shall use all necessary means to cause those who shall be the authors, instigators, and excitors of them, to be brought to account.”

By this curious resolution, these patrons of liberty, who had violated in so many instances, the peremptory instructions of those whose delegates they were, declared their constituents traitors to their country, if they should dare even to *reproach* them, or *any one of them*, with the breach of their duty ! And thus, while they arrogantly set themselves above the King, by whose authority alone they had been convened, and whose authority alone was sufficient to dissolve them, above that King, whom they had reduced to the state of their *Vicegerent*, and whom they dared to *reproach*, to *call to account*, to *insult*, and to *persecute*, even for those acts for which he richly merited their thanks, and their praise, they scornfully threw off all responsibility from their own shoulders, refusing to account even for the disobedience of those mandates which they had received under a solemn pledge, either expressed or implied, of obeying them, at least so far as was practicable, consistently with their duty to the country at large, and arrogating to themselves a *supremacy* which was foreign from their character, and which the constitution disavowed.

When Mirabeau first proposed his motion, in which all *bailiffs*, or *sergeants at arms*, who should assist, either civilly or criminally, in any process instituted against a deputy, were included, one of the members called out to him, with a jeer, “ *Pray, Sir, speak for yourself* ;”—for Mirabeau had been, throughout his life, subject to visits from bailiffs, and other officers of justice.*

The King's authority was now completely committed ; and if he suffered this act of disobedience, on the part of the Commons, to pass without notice, it was easy to see that he might just as well transfer

* *Journal de Sabatier*, vol. i. p. 38.

his crown to Mr. Bailly, or to any demagogue whom the assembly might appoint to receive it. He had now the best reason in the world for exercising his undoubted prerogative of dissolving the States-General. They had not only done nothing themselves, towards attaining the objects pressed upon their attention, in the written instructions of their constituents, but they had absolutely refused to let the King himself do any thing towards it.—Louis XVI. therefore, might, with great propriety, have appealed, from these factious emissaries, to the people, accompanying the appeal with his motives for dissolving them, and with that plan of reform which he had laid before the assembly, and which was framed on the wishes which the people had expressed in their instructions.—Had he done this, it is probable both his life and his crown had been safe.—But, unfortunately, it was his destiny to pursue a far different course.—He took no step whatever either to punish or to resent, the rebellious outrages of these mushroom sovereigns ;—and the impunity which he suffered them to enjoy, at once increased their numbers, and invigorated their efforts.

Neckar, who had absented himself from the sitting, returned to his house, at Versailles, soon after, whither the leaders of the assembly flocked to pay their homage to him, and to load him with praises for opposing the wishes of his Sovereign.—It must be confessed, the incense and the idol were truly worthy of each other!—Neckar waited on the King, in the evening, and no sooner was the mob apprized of his visit than they crowded round the palace, and, under the very windows of the royal apartment, shouted, “ *Long live Neckar ! No resignation !* ” When the minister left his master, it was natural to suppose that he would retire by a private door, in order to avoid encountering the furious plaudits of these rude encomiasts.—But this *modest*, this *humble* citizen, was too fond of popular applause to forego the smallest portion of it which offered itself to his acceptance.—He, therefore, went out at the public door, where, of course, he was surrounded by the mob, who *made him* promise not to resign his place, and carried him on their shoulders to his house.—Soon after, as the Archbishop of Paris was passing along the streets in his carriage, he was attacked, by this same mob, who pelted him with stones, and

probably would have murdered him, had he not effected a speedy escape into a neighbouring church.

The next day the two first orders assembled in their respective chambers, in obedience to the command of their Sovereign. In the clergy, a junction was proposed with the Commons, and, on a division, was rejected by a majority of *one*! The chairman then left the chair, and the majority retired;—after which, in violation of all rule, in contempt of all order and decency, the Archbishop of Bourdeaux (who was much connected with the literary philosophers of the day, and was, consequently, much disposed to democracy) was not ashamed to insist that it was still open for the assembly to deliberate, and that it would be proper to take the sense of the members, *on the same question*, again.—By this manœuvre, and by intimidating nine members, who had remained neuter before, he carried his point;* and this fictitious majority, created by an infamous fraud, hastened to the hall of the Commons, headed by the Archbishops of Bourdeaux and Vienne, and took with them the journals of their order. Nor did these ministers of *peace* blush to point out their more honest associates, who remained true to their King and their country, as the victims of popular vengeance.—History performs the painful, but necessary duty of transmitting, to the execration of future ages, the contemptible names of *Coulmier*, Abbot of Abbecour, and *Oudelot*, one of the ushers of the Chamber of the Clergy, who pointed out from the window at which they stood, to the raging populace below, those members who had manfully refused to sacrifice their honour and their conscience at the shrine of faction.—These loyal men were, as may be supposed, exposed to the most brutal and most indecent treatment; and the Archbishop of Paris was assaulted with still more violence than the day before; and had again a narrow escape with his life, by the seasonable interposition of the military, who arrived at his house, whither the mob had followed him, just in time to save it from demolition.—They were not, however, pacified, until they had frightened the prelate into a compliance with their will, by extorting from

* Bertrand's Annals, Vol. I. p. 112.

him a promise, that he, too, would join the Commons, on the next day.

. While the populace were thus actively employed, the *Count de Barbancon*, a member of the nobility, and commandant of Noyon, went to Mr. Neckar's with two members of the municipality of Noyon, in order to solicit a pecuniary aid for the relief of the town, where a great scarcity prevailed.—They were denied admittance, on the plea that the minister was engaged on important business ;—the Count then opened his business to the clerk, but the clerk referring him to his master, he opened the door of an apartment, in which he found Neckar, surrounded by about sixty persons, among whom were many of the most violent and factious members of the Commons, some of the minority of the nobles, and certain male and female courtiers, who composed the political circle of this intriguing republican.* The whole party started with astonishment, at the appearance of the Count, who experienced a most favourable reception from the minister, and obtained all the relief which he solicited.—During the conversation between them, a young man, a deputy, with dishevelled hair, and his bosom open, abruptly entered the room, exclaiming, “*Bravo ! bravo ! bravo !*—We have just made the Archbishop of Paris promise to join the order of the third estate to-morrow !” Mr. Neckar's embarrassment now increased to a degree that rendered it perfectly ridiculous, and the Count, having enjoyed it for some minutes, took his leave.† The next day, Mr. Neckar wrote a servile letter to the assembly, expressing his gratitude for the honour which they had done him, by the anxiety which they had evinced respecting him on the preceding day, and thus affording a complete sanction to all their acts of disobedience to the King, in regard to a measure suggested by himself!

In the hall of the nobles, the debates were conducted with more temperance, and with greater decorum, than in the other assemblies : the majority peremptorily insisting on acting separately ; but the mi-

* Bertrand's Annals, Vol. I. p. 114.

† Idem. Ibid. p. 115.

nority, comprising forty-four members, out of three hundred, with the Duke of Orleans at their head, joined the Commons.—It was at this period that the odious distinction of *Aristocrats** was first assigned, by the factious orators of the Commons, to the faithful adherents to their King, and to the laws of their country ;—that distinction which soon became the signal of outrage, desolation, and murder. Among the minority of the nobles, who had joined the Commons, were some men who were loaded with the favours of government.—It was observed respecting them, that they wished to hold their fortunes of the King, and to maintain them by the Commons. There were also some of them blindly devoted to Neckar,—great orators, ephemeral writers, political and literary mushrooms, suddenly sprung from the dunghills of modern philosophy.—Certain philosophers, among the Commons, secret enemies of the great, about whose persons they always flocked, manifested their ancient hatred for the word *Nobility*, and denounced it to the nation.—By so doing they denounced nobility itself; for the people have no notion of abstract terms.

Montesquieu himself was stigmatized as an *Aristocrat*, for having asserted, that no monarchy could exist without nobility. Volumes and volumes were written in favour of the Commons, and their kingly pretensions ; and, in order to excite alternate emotions of interest and fear, they were represented, successively, as unfortunate beings, slaves, helots, and negroes ; and as the only men of information, as the nurses of the state ;—they were the twenty-four millions ; they were the *nation* ; the clergy and nobles no longer *orders*, but only *privileged classes*.†

* The populace, who immediately adopted all the cant expressions, without, of course, understanding their import, often applied them in a most ridiculous manner.—M. Bertrand de Moleville relates the following curious instances of this misapplication of the party word *Aristocrate*, in his interesting annals :—" I once asked a shoe-maker, who was a royalist, what an Aristocrat was ?—He answered—" *A man who does not love our good King !*"—Another mechanic, of a religious turn of mind, to whom I put the same question, told me—that an *Aristocrat* did not believe in God !—A third said, that *Aristocrats* were devils from hell, who wished to starve the poor !"—Vol. I. p. 120.—Note.

† Journal de Sabatier, Vol. I. p. 42.

Different bodies of individuals, collected at Paris without authority, and without a character, now sent deputations to the National Assembly, to compliment them on their firmness, and on their patriotism; and were admitted with great ceremony, and harangued with great respect, by their president, Bailly. Thus a constant and dangerous communication was kept up between the demagogues at Versailles, and their instruments in the capital; the object of which was to keep the King in awe, to support his republican minister, whose dismissal was dreaded; and to intimidate the nobles and clergy who had not yet joined the democratic party. The troops, too, had been tampered with, and the French and Swiss guards, who were stationed in the metropolis, mixed with the populace, walked arm in arm with them, partook of entertainments, provided for them by an unknown hand, and joined in the utterance of seditious sentiments.

The King was now not only perplexed beyond measure, but in extreme personal danger. He had no minister in whose talents or integrity he could confide; he knew enough that was true to alarm him, and more was intimated to him, no doubt, in the hope of bending him to the settled purpose of Neckar's mind. He had an interesting and affecting interview, on the morning of the 27th of June, with the Duke de Luxembourg, president of the nobility, by whom he was deputed; and with the Cardinal de Rochefoucault, the venerable Archbishop of *Rouen*, and president of the clergy; and with the Archbishops of Rheims and Aix, who were deputed by their order. These noblemen and prelates imparted to his Majesty their full and cordial accession to the plan which he had proposed at the royal session; and the former requested his Majesty to convene their electors without delay, in order that they might receive fresh instructions from their constituents, to authorize their compliance with his Majesty's wishes. The King told them that the troops had revolted,* and that he must submit to the claims of the Commons. The Archbishop of Aix expressed his doubts of the truth of the information which had been communicated to his Majesty, and his suspicions that the King had

* Bertrand's Annals, Vol. I. p. 137.

been deceived. When this worthy prelate, and his associates, were introduced to another apartment, where were the Queen, Monsieur, the Count d'Artois, the Duke de Luxembourg, and the Prince de Croui, he repeated his suspicions to the whole circle. He told their Majesties, that they had been deceived for the purpose of making them yield ; that a double representation had been given to the Commons that they might have double votes on every question. His Majesty's declaration, the prelate observed, would not be received, because it preserved distinctions ; and provided for the interests of the King, the clergy, and the nobles ; and because it was the intention of the Commons to annihilate the orders with which the monarchy itself must fall.* But nothing could induce the King to depart from that passive system which Neckar had induced him to adopt. He told the Duke de Luxembourg, that he was determined to make every sacrifice, *rather than that a single man should perish on his account*. He should have been told, that the sacrifices which he was about to make, were not merely *personal* ; that they affected, at least as much as himself, the two highest orders of the State ; and, still more, that they shook, to the very foundation, that constitution which was to him as a delegated trust, which it was his bounden duty to preserve uninjured, and to transmit, unimpaired, to his successors. The King, however, dismissed the deputation without a positive answer ; but, in the course of the morning, he sent letters to the presidents of the two first orders, urging them to unite with the Commons without delay. In these letters, his Majesty observed that those deputies, who were restricted in their powers, by the mandates of their constituents, might sit in the general assembly without voting, until they should have received fresh instructions. But the nobility did not immediately acquiesce in this desire of their Sovereign ; a great difference of opinion prevailed among them ; as, indeed, there well might, when they were reduced to the alternative of disobeying their King, or of sacrificing the constitution to his fears ; for they could not but know, that the measure which he now recommended was the produce of his fears, because the result of his deliberate judgment, as declared on the

* Idem. Ibid. p. 188.

23d of June, was a recommendation of an opposite nature. Taking all the circumstances of the case into their serious consideration, upwards of eighty of the nobles resolved to consult the conviction of their Sovereign's judgment, rather than the impulse of his fears, and to remain in their own chamber. During the discussions on this subject, the Marquis *de la Queuille* received a letter from the *Comte d'Artois*, most strongly urging the nobility to join the Commons without delay, and intimating, that his Royal Highness knew, to a certainty, that their longer hesitation would expose the King's life to imminent danger. No sooner was this intimation announced, than the COUNT DE ST. SIMON, with the true spirit of a noble Frenchman, put his hand to his sword, and exclaimed, "Gentlemen, the King is in danger! Let us fly to the palace! Our place is about his Majesty's person." "If the Monarch be in danger," said M. de Cazalès, in whose heart, also, the gallant spirit, which had ever distinguished the nobles of France, resided, "The Monarchy is in danger too; to save the Monarchy is our first duty, and we will, then, go and form a rampart of our bodies around the King."

Wisdom, as well as spirit, marked this just observation; and the discussion was about to be renewed, when the Duke de Luxembourg, the president of the assembly, quitted his chair, in a most hasty and irregular manner, and in spite of the remonstrances of many of the members, and cried out,—“There is now no room for debate, gentlemen, the King's person is in danger, and who, amongst us, will hesitate a moment?—All this would have been very well, if the Duke's intention had been to second the gallant proposal of the Count de St. Simon, and to hasten to the palace, there to defend the King's life with their swords. Although such a step would not have been so wise, or so proper, as the measure recommended by M. de Cazalès; yet its gallantry, and heroism, would have atoned for its irregularity. But, instead of doing this, the Duke led the members instantly to the Hall of the Commons; and the clergy immediately followed their example. When they arrived, however, most of the deputies were gone. But the presidents of the two first orders informed Bailly, who was still in the chair, that their love and respect for the King, and their anxiety

to promote the happiness and welfare of their country, had induced them to repair thither. Bailly, wholly unprepared for this event, made a brief answer, the stupidity of which he imputed to the excess of his joy. He affirmed, however, that the step which they had taken, "for ever put an end to the dissensions which had mutually afflicted them;" and observed, that "the National Assembly, or rather *the States-General*, will now proceed, without confusion or interruption, to the regeneration of the kingdom, and of public happiness."*

This assurance of future harmony, and this abdication of the usurped title of *National Assembly*, by its president, were received with the greatest satisfaction by the two first orders. A protest having been entered into by the clergy against the *amalgamations*, as it was called, of the three orders; it was now presented by their president to Bailly, after being read aloud, and was received without opposition. The Archbishop of Vienne, however, who had first joined the Commons, in his own name, and in those of the members who had united with him in the base desertion of their order, now disclaimed all concurrence in the protest; and Mirabeau treated it with the most sovereign contempt. The Abbé de Montesquieu unfortunately undertook the defence of the clergy, and proved the truth of an old adage, that an injudicious friend is the worst of enemies; for he acknowledged that by adhering to the constitution, and performing their duty, they had been in an error; which they now retracted, as a *new light* had dispelled it. But the Archbishop of Aix, with a proper feeling for the character of the order, and with a proper sense of his duty, vindicated his brethren from the calumny which the officious Abbé had unworthily cast upon them; and in a most sensible, eloquent, and impressive speech, asserted their own rights, vindicated the true principles of the constitution, and reminded the assembly of their duty. "It is only," said this respectable prelate, "together, and with the King's approbation, that the orders can, I will not say overthrow, but make the slightest alteration in, the constitution. Nothing can be done law-

* Bertrand's *Annals*, vol. i. p. 142.

fully, but by the laws themselves. *They* must direct, and justify, the measures to be taken for their reform. They must regulate the changes to be made in themselves, and the laws declare, *that the opinion of one order cannot bind another ; that the opinion of two orders cannot injure or affect the third.* Can you imagine that the resolution of one order alone, in which the other two had neither concurred nor been consulted, is to overthrow all their principles, and destroy all their powers ?"—Having put these pertinent and pointed questions, the good prelate asked, why the simple question of the verification of their powers, which could interest only the members themselves, could not be discussed with temper ? and why the discussions should excite popular tumults ? The people could not, of themselves, understand the importance of the question, nor the consequences which it involved. It related to no tax, to none of those heavy duties by which men could be oppressed, nor to any of those interests by which the people could be affected. The question, in itself, did not, in the least, concern them ; and, to what extent soever it might be carried, it related only to forms of government, which might, and which should, engage the attention of well-informed men, but which could not be either known or decided by the multitude. Having convinced the demagogues that their plans were perfectly understood, the Archbishop sat down, and neither Mirabeau, nor any one of the popular orators, ventured to answer him.

The day after this compulsory union, the nobles returned to their own hall, where they continued to sit for several days ; having entered a minute upon their records, by which it appears, " that they had gone into the Hall of the Commons, only in consideration of the danger which threatened the King's life ; but that, as that sudden and unforeseen union could only be temporary, they still regarded themselves as forming a separate order, and should, accordingly, continue to assemble separately."* Their sittings, however, were soon terminated by the Hall being shut up. They then assembled at the house of their President, and entered into a formal resolution respecting their

* Bertrand's Annals, vol. i. p. 159.

own rights, and a solemn protest against any invasion of them. An hour was fixed for the members to sign these papers ; but when they arrived at the house of the Duke de Luxembourg, their president, they found that nobleman had deserted his post, and retired to one of his estates, at a great distance from Versailles. The protest was, however, signed, and it was proposed to place it in the King's hands ; but his Majesty refusing to receive it, it was deposited with the Count D'Artois, and there left as a monument of the attachment of the nobles to the monarchial constitution of the country.

Meanwhile the union of the different orders had been celebrated at Paris with public illuminations, and other symptoms of joy. And, as if the patriots of the capital considered it as the establishment of the sovereignty of the people, they hastened to shew their contempt for the laws, by proceeding to the prison of the Abbayé, which they forced open, and rescued eleven privates of the French guards, who had been committed thither for refusing to obey the orders of their officers, to disperse the mob which attacked the archbishop of Paris at Versailles. These soldiers were conveyed, in triumph, to that focus of sedition, the *Palais Royal*, and the cavalry, employed to quell this partial insurrection, instead of performing their duty, joined the insurgents, and partook of their festivities. A deputation of the rabble was actually sent to *confer with* the National Assembly, on the case of these soldiers, and that assembly of self-created sovereigns degraded even themselves by entering into a long debate, on the answer which their president should give to those ruffians of the capital. The assembly sent a deputation to the King, to beseech him to pardon the offenders, whom they ought to have been the first to intreat him to punish. The King's answer was favourable to their wishes, but he offended them by mentioning the exploded, though constitutional, name of the *States-General*, which they took special care to expunge from their journals.

The impunity this afforded, by the highest authority, to the commission of serious offences, was productive of its natural effect. The populace continued their outrageous conduct, and their audacity in-

creased from that moment. The crowds in the Palais Royal became more frequent, and the harangues of their orators more inflammatory. The persons who attended there were certainly paid, and, in all probability, the funds were supplied by the Duke of Orleans. "This, at least," says M. de Bertrand, "I can attest, that two persons of my acquaintance, going out of the *Palais Royal*, whither they had been led to mix in the crowd from curiosity to hear the motions, found in their pockets two six-livre pieces wrapt up in paper, on which these words were written, — 'Be one of us, and you shall never want money.' If such were the wages of mere listeners, how much higher must the more confidential agents, the proposers of motions, and others, have been rewarded."

It was under these circumstances that the King, persuaded that the operation of fear alone could produce the restoration of tranquillity, ordered several regiments to march towards the capital, in the environs of which, and in the neighbouring villages, they were stationed. And the Marshal Broglio was called to Versailles, and appointed Commander-in-Chief of the forces in the Isle of France. The first precaution adopted by this general, and never was precaution more wise or more necessary, was to secure the person of the King, and the Royal Residence, from danger and from tumult.—For this purpose he placed cannon in all the avenues leading to Versailles, and established numerous patrols on the road to Paris. These means of security were converted, by the stupid credulity of one part of the National Assembly, and by the fears of another, into instruments of despotism; and the King, who had made more sacrifices for the preservation of domestic harmony, than were consistent with his duty, was publicly proclaimed, by these licensed heralds of revolt, a cruel tyrant, who projected the destruction of the representatives of the people. No one, unacquainted with the credulity of the French character, which surpasses almost the bounds of belief, could conceive either the rapidity with which these calumnies, not more profoundly infamous, than grossly absurd, circulated throughout the kingdom, or the degree of credit which they obtained.

* Bertrand's Annals, vol. i. p. 170.

Mirabeau, who, a few days before, had undertaken to prove to the assembly that Neckar had not taken the necessary measures for preventing a scarcity ; but who had been unable to redeem his pledge, and had, moreover, received a formal contradiction in the public papers,* eagerly resorted to another subject of popular declamation. Conscious that he was a legitimate object of punishment, he was in constant apprehension of personal danger ;—and, thus actuated by his fears, he interrupted a debate, on the 8th of July, to utter a most violent philippic against the King, in which he used every persuasive to rebellion which his sanguinary mind could supply, and directly exhorted the troops to spurn the restraints of military discipline, and to disobey their commanders. “ Was it not enough,” exclaimed this unprincipled demagogue, “ that the sanctuary of liberty had been stained ?—Was it not enough, that the want of attention to the indispensable conveniences requisite for all ranks, and all men, had marked a degrading contempt for the majesty of the nation ?—Was it not enough, that the deputies had been treated like strolling players, whose barn the grand master metamorphoses at his pleasure ?—But must the military train of despotism spread alarm through the whole nation,—give them, if I may so say, the signal of civil war, and insult them in their representatives ?”† He continued, for some time, in this declamatory strain of invective, and at last concluded with a long address to the King, which had evidently been drawn up for the purpose, though it was requisite, for theatrical effect, which Mirabeau always studied, to make it appear the work of the moment. The purport of this address was to desire the King to remove the troops from the vicinity of Versailles, and of the capital, and to establish a City Militia for the preservation of peace, in those towns ; to dismiss *all foreign regiments*, (which were more difficult to seduce than the natives ;) and to rely on the love of his subjects for their obedience to the laws.—For this speech, for which Mirabeau himself, had there been any law then actually in force, in that distracted country, must have been made amenable to it, for the incentives to rebellion which it contained ; instead of being called to order, instead of being censured for his violence, was

* Journal de Sabatier, vol. i. p. 63.

† Bertrand's Annals, vol. i. p. 173—4.

hailed with the general acclamations of the assembly. Indeed, their conduct on this occasion, as on many others, was more like that of a company of "Strolling Players," than like the proceedings of a body of grave representatives, employed in the important task of *regenerating* (to use their own expression) a mighty empire. They entered into no deliberation, no debate, on the subject; but immediately proceeded to nominate twenty-four members to present it to the King.*

This deputation was not admitted to the Royal Presence till the following evening, when the King, in answer, observed to them, that every body was acquainted with the scandalous disorders which had repeatedly been committed both at Paris and Versailles, under his own eyes, and under those of the States-General; that it was necessary for him to use the means in his power for restoring and maintaining order; to guard the public peace was one of his principal duties;—such were the motives which had led him to assemble troops near the capital; and the States-General might be assured that they were only designed to suppress, or rather to prevent, commotions; to maintain good order; to secure the execution of the laws; and to protect the freedom of debate in the assembly, whence, not only all constraint, but all apprehension of tumult and violence ought to be removed; that none but ill-disposed persons could cause the measures of precaution, which he had been compelled to adopt, to be misinterpreted to his people; and that he had constantly endeavoured to promote their happiness, and had ever had cause to be assured of their love and allegiance. His Majesty added, that if the necessary presence of the troops, in the neighbourhood, occasioned any umbrage, he should have no objection, at the request of the assembly, to remove the States-General to Noyon or Soissons, and, in that case, he would himself remove to Compiègne, in order to keep up the communication between them.

* A contemporary writer shrewdly observed, that "this address was filled with so many different tones, with so many *reflections* on the tenderness and fidelity of the assembly, with so many *protestations* of the danger to which the King was exposed; that every body said of it, there was too much love for so many threats, and too many threats for so much love."

Had peace and good order been the objects which the assembly wished to promote; had they really been intent on performing the duties for the discharge of which they had been sent to Versailles; they would eagerly have embraced the proposal of the King, and have retired out of the reach of those outrageous proceedings, which utterly destroyed all semblance of freedom in their debates, and rendered the assembly an arena for popular gladiators, which none could enter with safety, but candidates for the favour of the mob. The well-disposed part of the assembly expressed their satisfaction at it, and the rest, having no plausible reason for objecting to the plan, remained silent, and determined to have recourse to other stratagems, for producing the same effect. Fresh alarms were spread about the scarcity of provisions, in the hope of exciting a popular insurrection, and Neckar gave a colour to the report by a doleful memorial, which he sent, on the 10th of July, to the committee of subsistence; in which he asserted, that the King and the court were to eat nothing but rye-bread, and exhorted the nation to submit, with patience, to the laws of necessity, and the decrees of Providence. On this very day, as if the matter had been concerted between the partisans of the minister, and the satellites of the Duke of Orleans, a motion, which the Prince had never made, for the relief of the people, was bawled about the streets of Paris, containing a pretended offer to advance £12,500 sterling, to prevent a rise in the price of bread. And this minister of vice was, by the wretched populace of Paris, exalted into a paragon of virtue.

The King began, at length, to perceive the utter inutility of temporising measures, and the superlative folly of consigning the reins of government to the feeble hands of Neckar, whose dismissal every motive combined to sanction. On the morning of the 11th of July, the minister received notice to resign his place, and to leave the kingdom. On this occasion Neckar acted prudently, for he kept his disgrace a profound secret, even from his own family; and, in the evening, entered his carriage, under pretence of paying a visit to a friend in the neighbourhood, and directed his course to Brussels.*

* Bertrand's Annals, vol. i. p. 192.

Neckar's departure was not known, at Paris, till the following morning. But that very night the populace committed many outrages, and burnt some of the barriers, at the entrance of the city. Indeed, it has since been proved, that the next day was fixed for a general rebellion, the signal for which was to have been the setting fire to the palace of the Duke de Bourbon.*—It was prevented, however, by the news of Neckar's dismissal, which became the topic of declamation to all the mob-orators of the metropolis. In the Palais Royal, *Camille Desmoulins*, who afterwards made a conspicuous figure, during the triumph of the Jacobins, mounted on a table, and, with the voice of a Stentor, exclaimed, “*Citizens*, not a moment is to be lost; Mr. Neckar is dismissed; his dismissal is the signal for another *St. Bartholomew*, of Patriots. To-night all the Swiss and German battalions will come from the *Field of Mars*, and cut our throats. We have but one resource left—to fly to arms, and to wear a cockade, by which we may distinguish each other.” After some discussion, *green* was adopted, as the best colour for this cockade, as signifying *Hope*. This knotty point being settled, Camille pursued his harangue. “*Friends*,” said he, “the signal is given; I already see the satellites, and spies of the police, staring me in the face; but I will not fall into their hands alive.” He then drew two pistols from his pockets, and, holding them up, called out, “Let every Citizen follow my example.” He led them to the different barriers, some of which were burnt, but others were saved by the timely arrival of the troops. News was soon received of the dismissal of three of the other ministers; M. de Montmorin, M. de la Luzerne, and M. de St. Priest; and this was made the pretext for further disorders. Two busts of the Duke of Orleans, and Mr. Neckar, were procured, and paraded about the streets, where the passengers were obliged to bow to those emblems of vice and folly.

It was natural to suppose, that such a mob, moving through the po-

* This fact was proved by the depositions of various witnesses, who were examined at the Chatelet, when an inquiry was instituted into the cause of the riotous, and treasonable proceedings, on the 5th and 6th of October following.

pulous parts of such a city as Paris, would, like a snow-ball, increase in its progress.

Mobilitate viget, viresque acquirit eundo.

They broke open all houses and shops where arms were to be had, and soon amounted to a formidable number. A detachment of cavalry, of the regiment *Royal Allemand*, under the command of the *Prince de Lambesc*, was sent to disperse them; and, as the dragoons passed the *Chaussée d'Antin*, where the French guards were stationed, that cowardly corps of traitors, who had refused to act against rebels, fired a volley at them, as if conscious that *their* loyalty and obedience were a severe reproof to their own treachery and baseness. The dragoons halted, coolly returned the fire, which killed several of those miscreants, and then continued their march to the Place de Louis XV.; where they found a body of dragoons, who had already broken the busts in pieces, and put the patriotic procession into disorder. The populace having fled for refuge into the garden of the *Thuilleries*, the *Prince de Lambesc*, in obedience to the orders of M. de Buzanval, pursued them thither, at the head of the *Royal Allemand*. When he came to the *Pont Tournant*, or *Swivel-bridge*, at the end of the gardens, he found the entrance of it barricaded with chairs; and while his men were employed in removing them, they were assailed with a shower of stones, broken bottles, and other missile weapons. Some guns and pistols were fired at the insurgents, but without effect; while several of the dragoons were severely bruised, and an officer was badly wounded by a stone.

M. de Buzanval, to whose order the *Prince de Lambesc* was subject, commanded him not to repel force by force, but merely to oppose a steady front to the mob. Orders better calculated to encourage the insurgents, could not be easily conceived;—had they been opposed with vigour, at the first outset of the rebellion, had some hundreds of them been sacrificed to the violated laws, and insulted justice of their country, the effect might have been most beneficial; and the lives of thousands might possibly have been saved. The *Prince*, however,

finding the patience of his men exhausted, and that they were little disposed to sustain such attacks, without repelling them, ordered them to retreat out of the garden, over the Swivel-bridge. But at this moment, a general cry of "*Turn the bridge,*" indicated an intention, on the part of the mob, to prevent him from passing it. The Prince, apprehensive that a dreadful carnage would be the inevitable consequence of such a step, ordered some pistols to be fired in the air; but this not producing the desired effect, he rode up to one of the busiest of the mob, and struck him with his sabre, when he ran off, and his companions followed his example. The troops then passed the bridge, and joined the Swiss regiment of Chateaufieux, in the Place de Louis XV. where they remained till ten at night, when they were dismissed by M. de Buzenval.*

The Baron de Breteuil succeeded Neckar as Prime Minister; but the new administration did not appear to possess much more judgment than their predecessors; at least, they did not seem to have any settled plan of action. All the orders which they gave to the commanders of the military force, were, to secure the bridges of St. Cloud and Sèvres, so as to cut off all communication between Paris and Versailles.—The mob were left to act at pleasure in the capital; and, on the 13th of July they forced open several of the prisons, released their miserable tenants, plundered the shops, and provided themselves with arms. Although M. de Buzenval was provided with a sufficient force not only to disperse, but to chastise, the rebels, he remained perfectly passive, and even withdrew the troops who guarded the prisons.

* Bertrand's Annals, vol. i. p. 197, 198. There is no one event of the French Revolution which has been more grossly misrepresented than this. The Prince de Lambesc, by all the Revolutionary writers, both in France and England, has been represented as having behaved, on this occasion, with the utmost barbarity; whereas no officer ever displayed more coolness and forbearance than he did. All the facts here stated, respecting his conduct, were proved upon oath, on the trial of M. de Buzenval, who evinced a want of judgment and resolution (to say no worse of him) highly disgraceful to him as an officer. Had proper vigour been manifested, in this early stage of the Revolution, what calamities would have been prevented! Who, at this time, will not admit, that it would have been *humanity* to put thousands of these rebels to the sword, and even to have laid Paris in ashes?—Millions of lives might have been saved by such seasonable severity!

At this critical juncture, the *electoral body*, (appointed for the sole purpose of electing representatives) although their functions were totally at an end, assembled at the Town-House, invited the inhabitants to meet them; and, after some deliberation, divided the city into districts, and established a city militia of 48,000 men.—Thus out of these riots rose an extraordinary power, unknown to the constitution, and the laws, and exercising supreme authority, in the creation of a new municipal government, in the formation of an army, and in the appointment of officers, both civil and military. Paris became an *imperium in imperio*; while the King and the States-General were within the distance of twelve miles from the capital!

When intelligence of these events arrived at Versailles, the National Assembly, instead of co-operating with the King for the restoration of order, by the exercise of a salutary vigour, again besought him to dismiss his troops, and to leave the capital to the protection of its new militia. The King, for once, replied in a manner becoming his station and dignity. But, instigated by that contemptible political empiric, the Marquis de la Fayette, the assembly again addressed the King, to the same purport, and made his new ministers responsible for all the consequences of a refusal to comply with their wishes. The insurgents soon found that they had little to dread from the National Assembly; and they continued their depredations. On the morning of the 13th of July, they went to the *Hotel des Invalides* in search of arms. M. de Sombreuil, the governor, had received orders to repel force by force, if attacked by the *banditti*, (*les brigands*) but, by a curious kind of logic, learnt in the school of timidity, he inferred, that the *citizens* were not the *banditti*, and, therefore, in violation of his trust, and in disobedience of his orders, he suffered the rabble to strip the Hotel of all the arms which it contained. With the fruits of this expedition the Parisians armed a great part of their militia, a large body of whom were drawn up in the Field of Mars, opposite to the troops who were encamped there, and as if for the purpose of bidding them defiance. Patroles were distributed throughout the metropolis, and all persons who entered it were stopped, and examined, by the permanent committee of electors, sitting at the Town-House. A courier, carrying a

dispatch to M. de Launay, the Governor of the Bastille, containing orders to defend that fortress to the last extremity, was intercepted, and the dispatch taken from him and read.—The possession of this order was of consequence to the rebels, who had previously resolved to attack the Bastille.—They accordingly repaired thither on the 14th of July, in the morning, and endeavoured to enter the court by force.—They were told that if they persisted they would be fired upon; and, after some time had elapsed, a few musquets were fired from the castle, which had the effect of dispersing the mob. They soon, however, assembled again; and two men, who pretended to be deputed by some of the district committees, one *Belon*, an officer, and *Thuriot de la Roziere*, an attorney, were admitted by the governor, who assured them that he had no hostile intentions, and should only defend himself, if attacked.—He also, most imprudently, informed them, that the cannon were not loaded, and were even removed from the embrasures,—a fact which he permitted them to ascertain.—He went still further, and, as if intending to encourage the mob to attack him, he exacted an oath from *his* officers and men, in the presence of these deputed citizens, that they would not make use of their arms unless they should be attacked.*—The deputies professed to be satisfied; and promised to appease the mob; but the mob during this parley, had increased so much that the deputies could not be heard, and they had nearly lost their lives in the attempt.

During this truce, two men made their way from the top of a perfumer's house to a wall close to the first drawbridge, at the entrance of the Bastille; from thence they reached the guard-house, and leaped into the court. These men were followed by others, who immediately lowered the small drawbridge, for the admission of foot passengers; and proceeded to break the chain of the great drawbridge; by the fall of which, one man was crushed to death, and another severely hurt.—The mob rushed in, and, in a short time, completely pillaged the Governor's house.

M. de Launay might, with the greatest facility, have destroyed the

* Bertrand's Annals, vol. i. p. 230.

whole body of insurgents, by firing on them with cannister-shot ;—but, wishing rather to frighten than to hurt them, he ordered a discharge of musquetry upon those who had entered the court, by which some of them were wounded, and the rest put to flight.—Had this discharge been followed up by others, and a few cannon fired, not a man would have been left within sight of the Bastille, and the patriotic historians of the revolution would have had only the cowardice of their favourite heroes to record.

The mob, however, having brought the cannon which they had taken at the Invalids, renewed their attempt on the Bastille. The cannon played upon the castle ; while the soldiers, who appeared on the walls, were shot from the tops of the neighbouring houses.—In this manner was the garrison, consisting of a hundred and fourteen men, of which eighty-two were invalids, and thirty-two Swiss, attacked by thirty thousand of the rabble, assisted by a great number of the French guards. When they had succeeded in setting the governor's house, and the guard-house, on fire, a deputation from the electors at the Town-House arrived, preceded by a white flag. The deputies, however, were prevented by the mob from advancing ; and M. de Launay, observing the flag to be stationary, ordered some musquets to be fired, which, however, did no execution.—The mob, observing this, brought two pieces of artillery up, and planted them at the opening of the avenue to the castle.—The governor then ordered another volley of musquetry, and a cannon loaded with cannister-shot, to be fired from the top of one of the towers into the Rue d'Antoine, at the extremity of which the Bastille was situated.

Another deputation was now sent from the town-house, headed by the notorious Abbé Fauchét ;—but these deputies were as easily dissuaded as the former, from approaching the scene of action ;—and the Abbé Fauchét, having more effrontery than courage, magnified the danger which he feared, and returned to give a doleful account of the horrors which he had witnessed. A third deputation was now sent, which, as well as the second, had the following written instructions : “ The permanent committee of the Parisian militia, taking into consi-

“ deration that there ought to be no military force in Paris but that of
“ the city, charge the deputies, whom they send to the Marquis de
“ Launay, commander of the Bastille, to ask him if he is disposed to
“ receive the Parisian militia, to defend it, in concert with the troops
“ already there, and to be under the command of the city. Done at
“ the *Hotel-de-Ville*, July 14th, 1789.—Signed, De Flesselles, Provost
“ and President of the Committee; De la Vigne, President of the
“ Electors, &c. &c.”

This deputation, however, like the others, returned without executing their commission. But ~~had~~ it made its way to the Bastille, it is perfectly clear that the commander must have rejected, with indignation, the proffered terms, which proposed to make one of the King's officers a leader of rebels; for those electors were as much in a state of rebellion, by raising an armed force, and deposing his Majesty's officers, as the French guards, and the miserable rabble who were attacking his fortresses. The line of duty which M. de Launay had to pursue was so perfectly clear as not to admit of either hesitation or doubt. He had no alternative, consistently with his duty, but to defend himself to the last extremity, and rather to bury himself in the ruins of the castle, than suffer the Royal Flag to be lowered to the standard of revolt. But *fear*, or some other unworthy motive, made him adopt a different line of conduct. He caused the drums to beat a parley, and held out a napkin as an indication of his wish to capitulate. As the danger diminished, the fury of the mob increased, and this pacific signal was hailed with repeated volleys of musquetry and cannon. M. de Launay having *appealed* to his men, they requested him to stipulate only that they should not be massacred. A piece of paper was then passed to the mob, on which was written:—“ We have twenty thousand weight of powder, and if you do not accept our capitulation, we will blow up the garrison, and all the quarters about it.”—And an officer, at the same time, said, “ We are willing to surrender, provided we are assured that the troops shall not be massacred.” The answer to this was an unanimous exclamation: “ On the faith of French soldiers we accept it, and will do you no harm; let down the bridge.”

Confiding in this assurance, M. de Launay caused one of the drawbridges to be let down, when some of the mob rushed in, and would have been followed by the rest, if some of the French guards, who were there, had not interposed to prevent them. The sentry, who opened the little gate, asked the first, who came up, what they wanted. "The Bastille to be surrendered," they answered; and, at the same instant, the great drawbridge was lowered, and, before it was quite down, a grenadier of the French guards leaped upon it, and the populace followed him.*

Such was the *conquest* of the Bastille, so highly celebrated in the Annals of Revolutionary Heroism! "It is not," says an attentive observer of these events, who was at Paris at this time, and had the best sources of information open to him; "unworthy of history to observe, that the governor of the Bastille would not order the cannon to be fired on the people, who pressed in crowds towards the arsenal, through fear of damaging a small pleasure-house which he had built just by, and to which he was much attached. And, what is not less worthy of remark is, that, at the same moment, M. Buzenval, general of the Swiss, hid himself, that he might not be obliged to command his troops, and suffered the *Invalids* to be taken, through fear that, if the insurrection became considerable, his house would be pillaged, one of the apartments of which had been recently painted, and in which he had just built some elegant baths.—Such were the men by whom the King was served!"

Although the ministers were culpable for not having taken any measures for averting the coming storm, the symptoms of which were too strong and decisive to be either mistaken or overlooked, M. de Launay was not the less reprehensible for having entered into any kind of compromise with a furious mob.—Had he defended the Bastille, as he

* Bertrand's Annals, vol. i. p. 234—240. A more minute detail of these occurrences than some may deem necessary in such a work as this, has been entered into, on account of their influence on the subsequent events of the Revolution, and of the almost uniform misrepresentation which pervades nearly every relation of them which has met the author's eye.

ought, the place was impregnable.* Be that as it may, the unfortunate governor was amply punished for his misconduct. The people, in violation of their plighted faith, seized him, the instant they entered the Bastille, dragged him to the Place de Grève, where, after having subjected him to every kind of insult and outrage on the way, they cut off his head, fixed it on the head of a pike, and paraded it through the streets to the *Palais Royal*. Most of the invalids, too, who were in the Bastille, were murdered, without mercy, by the mob.

The Bastille having been thus basely surrendered, it remained to release those victims of tyranny, with which this horrible den of despotism was always said to be crowded! But what was the surprise, and what the disappointment, of these patriotic insurgents, when, on forcing their way into the towers, in which the prisoners were confined, they found only *seven persons*! The names of these persons were *Pujade, Béchade, La Roche, La Caurege, the Count de Solages, Tavernier, and Whyt*; the four first of them were committed on a charge of forgery; the *Count de Solages* was confined, at the request of his family, for offences not known, but which, M. de Bertrand assures us, were “of the most serious nature;” and the two last were mad! This plain fact speaks more forcibly in favour of that mild and merciful monarch, whom the Revolutionary Regicides stigmatized as a relentless tyrant, than volumes of comments! The horrors of this memorable day were completed by the murder of M. de Flesselles, the Provost, who was shot by one of the rabble, at the instigation of that very body of electors whose president he was, on the vague charge of having corresponded with M. de Launay, which there was not the shadow of a proof to support, for which, indeed, there was not the smallest foundation. His head was severed from his body, and, being placed on a pike, was carried, with that of M. de Launay, about the streets of Paris. In this procession of civilized cannibals, appeared a private of the French guards, on a litter, crowned with laurels, and wearing the cross of St. Lewis. This man, whose looks betrayed his alarm at the unmerited and unwelcome

* Journal de Sabatier, vol. i. p. 73.

honours thus, unexpectedly, showered upon him, had been drinking at a public house, in the vicinity of the Bastille, during the attack on that fortress ; and did not repair to the scene of action, till an hour after its surrender. Some workmen mistook him for one of those who had been lately employed in the *siege*, decorated him, in the manner already described, much against his will, and, mistaking his reluctance for modesty, carried him in triumph to the Place de Grève. The man acknowledged, the next day, that he had suffered the most bitter anguish till he escaped from these furies, for he fully expected that they were carrying him to the place of execution, and that his head, also, was destined to grace this horrible procession. He was intoxicated at the time ; but the next day, when he became sober, he had the honesty to carry the cross of St. Lewis, with which they had decorated him, to the Town-House.*

It was natural to suppose that the intelligence of these acts of open rebellion would convince the National Assembly of the dangerous tendency of their past conduct, and of the indispensable necessity of strengthening the hands of the King, in order to enable him to act with energy and vigour, against a desperate band of ruffians, who had so openly trampled on all law and justice, and who had threatened the utter destruction, not only of the monarchy, but of all legitimate authority, and even of social order itself. Such was the conviction which the news of these events would, assuredly, have impressed on the minds of a similar assemblage of individuals, in almost every other civilized nation of the earth. But the effect was totally different on this French assembly. It was night before they received the information that the *invalids* had been attacked, and the cannon carried off by the mob ; 'Mirabeau, as if dreading that the populace might be checked before they had completed their task of desolation and carnage, had the profligacy to move, that the assembly should attend to no other object until the troops were removed from Paris, and the neighbourhood. His motion did not pass ; but it was unanimously resolved, to send another deputation to the King to demand the re-

* Bertrand's Annals, vol. i. p. 249.

moval of the troops. The deputies employed on this most treacherous occasion, found the King consulting with his ministers on the best means of quelling the insurrection at Paris, of which he knew no more than had been communicated to the assembly. Destined, as this unfortunate monarch was, to be surrounded at the most critical periods of his life and reign, with counsellors destitute, alike, of wisdom and of courage, he could fix on no regular and decided plan of action. At a loss how to proceed, when threatened, on one side, by a furious rabble, and, on the other, by a band of treacherous and designing senators, scarcely less furious, and much more dangerous, with no defence but what his troops could afford him, and called upon to remove that last barrier between himself and destruction, he adopted a measure at once indecisive and perilous.—He informed the deputies, that his attention had been incessantly directed to the restoration of tranquillity in the capital; that, in order to concert the necessary measures for the accomplishment of this salutary end, he had sent for the Provost of the traders, (*Prevot des Marchands*) and municipal officers, to attend him; that, having been since informed that a City-Militia had been raised, he had ordered the general officers to put themselves at the head of them, to assist them with their experience, and to second their zeal; and he had also ordered the troops, encamped in the *Field of Mars*, to withdraw from Paris.

While these deputies were at the Palace, two of the electors of Paris, Messieurs Ganilh and Bancal des Issarts, arrived at the assembly, and reported a resolution signed by M. de Flesselles. These men had left Paris before the Bastille was surrendered; and, consequently, before the murder of de Flesselles. They made a most false representation of the events of the morning, and accused M. de Launay of treachery, in admitting a flag of truce, and then firing on the persons who accompanied it. The assembly, however, gave implicit credit to the falsehood, and Mirabeau, in a rage, called for the head of Marshal Broglie. The two electors, who ought to have been committed to prison for the part which they had themselves avowedly taken in the insurrection, by authorizing the movements of the insurgents, were most graciously received, and invited to take their seats, and be pre-

sent at the debate which ensued. The assembly were by no means satisfied with the King's answer; and they sent a second deputation to him, demanding the removal of the troops, not only from Paris, but from its vicinity. The King answered:—"You rend my heart more and more by the accounts you give me of the calamities at Paris. It is not possible to believe, that the orders given to the troops are the cause of them.—You know the answer I gave to the first deputation, and I have nothing more to add to it." Men who were not satisfied with the first answer, were not likely to be so with the second.—And, as the two electors pressed for a reply to the message, with which they had been charged, the assembly passed a resolution, which they took with them, in which they virtually justified the conduct of the insurgents, by imputing it to the presence of the troops, and by asserting that they had foreseen it;—they declared also, that they would not cease to importune the King, until he had complied with their request.

If there were any members of this assembly, who really believed that the insurrections in Paris were imputable to the cause which they assigned, and that the removal of the troops would produce the restoration of tranquillity, it is impossible to conceive, by what process their minds could be brought to adopt a conclusion, so utterly irreconcilable with all the knowledge derived from experience, so totally repugnant to reason and common sense. Yet, that there were men of sense, talents, and integrity, in that assembly, is most certain: but it is evident that, if these did not act contrary to their own conviction of right—and if they did, what became of their integrity?—they must have suffered their judgment to be subdued by their fears.—A very great portion of the assembly, however, it is not to be doubted, were rebels in heart. The leaders of the insurrection were among them. Their object was not to annihilate the monarchy, but to depose the King, *virtually*, to vest the supreme power of the State in the Duke of Orleans, under the title of Lieutenant-General of the Kingdom, and to make him succeed to the Crown, by cutting off the intermediate heirs. It was the Duke's money that fed the insurrections which it raised; and all popular movements were secretly arranged by his

private committee, consisting of those revolutionary worthies,—the Count de *Mirabeau*, the Abbé *Sieyes*, *La Clos*, and the Count de *Latouche-Treville*. The two first of these ministers of the Palais Royal are but too well known; *La Clos* was an officer of artillery, secretary to the Duke of Orleans, and author of that licentious production, *Les Liaisons Dangereuses*; *Latouche* was Chancellor to the Duke, and a naval officer, (since promoted to the rank of Admiral, by Buonaparte.) Four greater profligates, either as men or citizens, even France itself could not, at that period, produce.—Their secret councils, like the nocturnal meetings of conspiring demons, were held at Montrouge, near Paris. At this time, while the King and his council were thrown into consternation by the insurrection at Paris, which had so far answered the end for which it was raised, it was proposed that the Duke of Orleans should present himself at the bar of the council, obtain admittance, and offer himself as a mediator between the King and the city of Paris, on condition that he should be appointed Lieutenant-General of the Kingdom. Such was the plan devised by *Mirabeau* and his associates; but his heart failed him; he did not dare enter the council chamber; and, after the council was over, the only application he made to the King, (and that by letter addressed to the minister,) was for permission to go to England, in case public affairs should take an unfavourable turn!" It was in allusion to this conduct that *Mirabeau* said to the Count de Virieu, in a conversation on the subject, that "*his timidity marred his success: it was voted to make him Lieutenant-General of the Kingdom; it only depended on himself; his theme was made for him, —every thing he had to say was prepared for him.*"*

It is extremely to be lamented, that the King did not, at this time, listen to the advice of Marshal Broglio, who offered to conduct the whole Royal Family safe to Metz, with the army; nor to that of the Archbishop of Aix, who recommended him to keep the troops where

* *Procédure Criminelle, instituée au Chatelet de Paris; sur la denonciation des faits arrivés à Versailles dans la journée du 6 Octobre, 1789. Imprimé par ordre de L'Assemblée Nationale. Vol. i. p. 216.*

they were, to dissolve the illegal assemblage of electors at Paris, and to restore order and tranquillity to that capital; after which he might safely dismiss the States-General, and make a fresh appeal to the nation. Either of these modes of proceeding would have ensured his safety, and, in all probability, have rescued the monarchy from impending destruction. But it was the ill fate of Louis XVI. and, indeed, the natural bent of his disposition, to pay greater attention to those who advised the adoption of lenient and temporizing measures, than to those who recommended measures of vigour and decision, without ever looking forward to the consequence of such undue, and most unwise preference. In the present instance, he followed the advice of the Duke de Liancourt, who earnestly intreated him to throw himself, with confidence, on the assembly, and to consent to every thing which they should require. Such an intreaty, under such circumstances, was surely never before pressed by a subject on his Sovereign;—or urged by one man of common sense, and complied with by another!—The King, accordingly, repaired to the assembly, where his presence was totally unexpected. In a short speech, delivered with evident emotion, he told them, that he had again come among them, to consult on the means of restoring tranquillity;—he alluded to the criminal reports which had been raised, respecting projected attempts on the persons of the members;—he called upon them to assist him in securing the safety of the State; and he informed them that he had ordered the troops to be withdrawn from Paris and Versailles; and authorized them to communicate this information to the capital.

The assembly were so affected by the substance of this speech, and by the manner of delivering it, that they burst forth into repeated expressions of joy. Their President, however, the Archbishop of Vienne, disgracing his station, his character, and profession, contrived to introduce both falsehood and distrust into his answer. He mentioned *orders* of the assembly which they had never given him; and he dared to impute the insurrections in Paris to the dismissal of Mr. Neckar. The assembly attended the King to the Palace; and then sent a deputation of eighty-eight of their members, to restore peace to the capital, and to announce the King's orders for the departure of the troops.

While these deputies were proceeding to Paris, the populace, finding all their apprehensions of attack groundless, began to murmur at the late disturbances, and the electors feared that their rage would be directed against them. It was diverted, however, by the dismissal of the Commander of the City Militia, and the consequent appointment of M. de la Fayette to that office, and of Mr. Bailly, as the successor of M. de Flesselles, with the title of Mayor conferred on him, because it was intended to vest in him the united functions of Provost, of Lieutenant of the Police, and of the Minister of Paris. And these appointments were made by the electors, who were thus guilty of a fresh act of rebellion. When the deputation arrived at the Town-House, M. de Lally Tolendal addressed the mob, in an eloquent declamation, in which, by flattering them at the expence of truth, he successfully worked on their passions, and wrought them to his purpose. But, unfortunately, neither his purpose, nor that of M. de Clermont Tonnerre, who followed him, was intelligible. It had nothing fixed or definite for its object. And the deputation, on their return to Versailles, informed the assembly, that the Parisians wished for the recall of Mr. Neckar. M. de Lally Tolendal had even the weakness to move an address to the King, beseeching his Majesty to comply with their wishes ; but this was rendered unnecessary by the resignation of all the ministers.

The Parisians having found a perfect readiness, both in the court and in the assembly, to comply with their requests, expressed a wish to see the King. The Count d'Artois, alarmed at the danger to which his Majesty would be exposed, offered to go to Paris in his stead ; but the King persisting in his resolution to repair thither in person, the Count bade him farewell, and immediately retired to Germany, with his family, as did the virtuous, but calumniated, Dutchess de Polignac, and some others of the nobility. On the morning of the 17th of July, the King, attended only by the militia of Versailles, and accompanied by a numerous body of the National Assembly, left his palace on his way to the capital. At Séves he was met by the Paris militia, who conducted him to the metropolis, amidst immense crowds of people, who thronged around him to witness this extraordinary procession.

At the first barrier, the King was received by Mr. Bailly, the new Mayor, who presented him with the keys of the city, and stupidly observed, that Henry the IVth had conquered his people, but that now the people had conquered their King. The obvious meaning of which expression is, that Henry the IVth had subdued his rebellious subjects, but that his rebellious subjects had subdued Louis XVI.;—and unfortunately, there was but too much truth, though little either of wit or of decency, in the observation. The King was every where insulted by trophies of insurrection, borne by his rebellious French guards, and tauntingly exhibited to his view, and by exclamations of “Don’t say Vive le Roi.”—As he passed through the *Elysian Fields*, three or four guns were fired in the direction of the royal carriage, and a woman, who was between the carriage and the spot whence the report proceeded, was killed by a ball,* which was, no doubt, intended for his Majesty, and fired by one of the agents of the Orleans faction. He did not reach the Town-House till past four in the afternoon; there he was harangued by the municipal officers; who were answered by M. de Lally Tolendal, whose eloquence was peculiarly calculated to make a strong impression on the people. The King accepted the symbol of rebellion, (the National Cockade) which Mr. Bailly had the audacity to offer him; and he confirmed the appointment of that gentleman to the office of mayor, and that of M. de la Fayette to the command of the Paris Militia. He then appeared at the windows of the Town-House and shewed himself to the people, who now hailed him with transports of unfeigned, and tumultuous, joy. At length, a little before midnight, this virtuous Monarch was allowed to return to his disconsolate and trembling family.

The King had now set his seal to the revolution, and signed the death-warrant of the French monarchy!—Not but that it was still in the power of the National Assembly to direct the returning tide of loyalty to the restoration of harmony, peace, and law; but this could only be done by restoring to the King an adequate portion of his legitimate power, to enable him to maintain order, when restored, and

* Bertrand's Annals, vol. i. p. 312.

to enforce the execution of the laws ;—and the majority of the assembly had no such object in view. Commotions were renewed, or rather continued, in different parts of the kingdom, and the mayor of Poissy having informed the assembly, that the populace had seized a rich farmer, of the name of *Thomassin*, on the vague charge of monopoly, and that the militia of the place talked of hanging him, instead of referring this matter to the executive power, to whom alone it belonged to take cognizance of it, the assembly degraded itself, by an act at once of usurpation and of meanness, in sending twelve of its members to Poissy, to *beg a pardon for Thomassin*, from the ruffians who had him in custody.—Insurrections broke out in many other places ; but the assembly adopted no measures for quelling them ; they were too busily occupied in sending addresses of congratulation and panegyrics on their own wisdom and virtue, prepared by their own agents (the members of the *Breton* club) at Versailles.* The next object presented to the cool consideration of these legislative philosophers, was the atrocious murder of Messrs. Foulon and Berthier, accompanied with circumstances of horror, the bare recital of which makes the blood curdle in the veins. The former, who had been director of the war department, was seized by some ruffians, at the country-house of his friend, M. de Sartine, and conveyed to the Town-Hall in Paris, before which a horde of cannibals, with nothing of human beings about them but the form, put him to death. M. Berthier, his son-in-law, who had been Intendant of the generality of Paris, was arrested at Compeigne, and conducted to the same place, where he experienced a similar fate. He seized, however, a musquet from the hand of a soldier, and bravely defended himself, till, covered with wounds, he sunk to the earth. One of the ferocious savages, who had assisted in murdering him, perceiving him still to breathe, thrust his hand into the largest of his wounds, and, tearing out his heart, placed it on the table before the committee of Electors, who suffered the execrable monster to escape with impunity. They even allowed him to take up the heart again, to fix it on the point of a sword, and to parade with it through the streets, accompanied by others, who carried the heads

* *Idem. Ibid.* p. 331.—Note.

of Foulon and Berthier, which they had severed from the bodies, on the ends of pikes.* When the National Assembly were apprized of these atrocities, a miscreant, whose name should be preserved for the execration of posterity, (a *young man too*!) BARNAVE, an advocate of Grenoble, son of an attorney of that place, which he represented in the assembly, coolly asked, with a sneer, “*Is the blood that is spilt then so pure?*”

It should be observed, that the crime imputed to that unhappy man was the being concerned in some conspiracy with the late ministers,—a conspiracy which existed but in the imaginations of the mob. M. de Foulon was further reproached with having observed, that “*These people are brutes fit to eat hay.*” They certainly were less humane in their conduct than any brutes which do eat hay; and such brutes as those who committed the sanguinary acts which have stamped the capital of France with indelible infamy, deserved a much severer fate, than to be doomed to live on hay. It should be remembered, too, that these murders were perpetrated after the establishment of the city militia, and after their commander, M. de la Fayette, had assured the National Assembly, that he had taken effectual means for securing the tranquillity of the capital.

But the most astonishing circumstance attending these events, was the conduct of the National Assembly respecting them. It is scarcely credible, that an assembly of civilized christians, employed to *reform*, or rather to suggest the means of reforming, the abuses of an ancient monarchy, and to devise laws for the maintenance of religious and social order, and for the security of civil freedom, should passively listen to so atrocious an observation as that of Barnave;—should quietly sit by and suffer one of their own members thus to hold out, as it were, a legislative sanction to acts which would have disgraced a horde of cannibals; and to express an *indirect* approbation, at least, of a wanton and deliberate violation of the laws both of God and of man.—Every man present, who forbore to condemn such conduct,

* Id. Ibid. p. 345.

which afforded the strongest encouragement, and even the most potent incentive, to acts of murder and rebellion, was morally responsible for the subsequent atrocities committed by the populace, which followed each other with incredible rapidity !

The King, sincere in his concessions, resigned himself entirely to the wishes of the National Assembly, as far as he was able to ascertain them.—He had, in consequence, recalled Mr. Neckar, who, on his return, expressed his grateful thanks to the Assembly, to whose protection he was certainly indebted for his restoration to power. The other ministers were taken from the Assembly itself. The Archbishop of Bourdeaux, a prelate of a temporising character, and who had been one of the first to sacrifice the rights of his order at the shrine of democracy, was appointed Keeper of the Seals, to which the reversion of the office of Chancellor was annexed. The Archbishop of Vienne, who had so lately disgraced himself, and insulted the King, by his answer to his Majesty's speech in the assembly, was made Secretary of State; in addition to which office he had the superintendence and control over all vacant benefices in the church ~~con~~signed to him, which carried with them an immense weight of ecclesiastical patronage.—M. de la Tour du Pin Paulin was appointed Minister of War; and Marshal Beauvau, the intimate friend of Neckar, a member of the council.—These appointments being communicated to the assembly, who had no concern with them, they expressed their perfect approbation of his Majesty's conduct.

The time of the assembly was now principally passed in discussing proclamations for the restoration of order, constitutional projects, addresses to themselves, and accounts of riots and plunder in various parts of the kingdom.—Nothing like permanent regulations were adopted; nothing decisive was accomplished.—The municipal guards, or militia, established in the different towns, increased the disorders they were raised to prevent; violated the freedom of the subject; exercised sovereign authority; became judges, and, not unfrequently, executioners.—Private letters were intercepted, and even the persons of members of the National Assembly were not sacred from the

violence of these legalized marauders. M. de Cazalés, and the Abbé Maury, two of the most firm and distinguished defenders of the monarchy, were arrested; the one at Causade, near Montauban, the other at Peronne, by these municipal tyrants; and were only released by the mandate of the assembly. It was now that the cry against *Aristocracy* began to produce its intended effect; the country-houses of the nobility and gentry were pillaged and burnt, and their persons proscribed. In short, all government had ceased; and there existed no power to protect either persons or property from the attacks of their malevolent or interested enemies.*

The original instigators of these outrageous proceedings alarmed, probably, at the complete success of their plans, and the extent of the mischiefs which they had produced, now sought to divert the suspicion from themselves, and to impress the belief, that they were occasioned by the intrigues of a foreign power, inimical to the establishment of *liberty* in France.—England was the power selected for this purpose; and the tools of the Orleans faction did not scruple, in their journals, to impute all the disorder and commotion, which prevailed in the kingdom, to the agents of the English government.—The imputation, ridiculous as it was, obtained such easy and general belief, among the ignorant and credulous Parisians, as to call for the interposition of the British ambassador, who certainly had just reason to apprehend, that the *sovereign people* of Paris would direct their rage against him, and possibly take him by force before the supreme judges at the Town-House, and there inflict summary vengeance upon him. The Duke of Dorset accordingly addressed a letter to *M. de Montmorin*, on the 26th of July, which he requested him to communicate to the assembly.

* Mr. Salomon, during the evening sitting of the third of August, made a report from a committee, appointed for examining into the different accounts sent to the assembly, from the provinces, in which he stated, that “property of all descriptions was every where the prey of the most atrocious plunderers, and that, throughout the country, the seats of the nobility and gentry were burnt, the convents destroyed, and the farms given up to pillage. Imposts, seigneurial services, all, all is annihilated! The laws are without force, the magistrates without authority, and justice is reduced to a mere phantom, which it is in vain to look for in her usual tribunals.”—*Moniteur*.

In this letter, the Duke informed the minister, that attempts had been made to insinuate that the Court of St. James's had, in some degree, fomented the commotions which, for some time past, had agitated the capital; that it was about to take advantage of the crisis to arm against France; and even that a fleet was upon the coasts for the purpose of co-operating with a party of mal-contents;—that though these reports were altogether destitute of foundation, they appeared to him to have made an impression on the National Assembly; and the National Courier, which published the proceedings of the sittings of the 23d, and 24th of that month, threw out suspicions which pained him the more, as M. de Montmorin knew how far the Court of St. James's was from deserving them. The Duke then reminded M. de Montmorin of some conversations which he had had with him in the preceding month of June, when he imparted to the French government a plot which had been proposed to him relative to the port of Brest, and the answer of his court to that proposal, which it rejected with horror; and its repeated assurances, on that occasion, of attachment to the King and the nation.—His grace concluded with the expression of his desire, that the real sentiments and conduct of the British government should be made public, without delay, as he owed it to his own character, to his country, and to the English resident at Paris, to take care that no further reflections of the kind should be cast upon them.

The assembly expressed their satisfaction at this communication; and the Duke of Dorset, having communicated the account of his conduct to his government, was specially authorized to renew, to M. de Montmorin, in the most positive terms, the assurances of the ardent desire of his Britannic Majesty, and his ministers, to cultivate and support the friendship and harmony which were happily subsisting between the two nations. The Duke imparted these assurances to M. de Montmorin, on the third of August, in another letter, which was also laid before the assembly.

The evening of the third of August was rendered memorable by the voluntary annihilation of rights, property, and institutions, which

the prescription of centuries had sanctified and confirmed, by those very persons who were not only peculiarly interested in their preservation, but whose bounden *duty* it was to preserve them.—To account for such conduct, it is necessary to observe, that a great number of the members, of each order, were young men, who sacrificed freely to Bacchus, and who, inflamed with wine, repaired to the assembly, and treated every subject, submitted to their discussion, with a degree of warmth, resulting less from the ardour of reason than from the heat of enthusiasm, engendered by their previous sacrifices.—The meeting, on the present occasion, did not begin till eight o'clock, and, after rejecting, as insufficient, a declaration, tending to enforce all the existing laws for the security of persons and property, they proceeded to compliment the ruffians, who had annihilated that security; and the Viscount de Noailles, in a fit of phrenzy, which ought to have procured him a seat in a receptacle for lunatics, exclaimed, “This, good people;—it is not a constitution they desire;—they ask for an equal division of the taxes, the suppression of aids, the abolition of certain feudal rights, and the redemption or exchange of others. For nearly three months they have seen their representatives occupied in what we call *public business*; but public business appears to them to relate more immediately to such things as they are in need of, and which they evidently wish to obtain.” And because the people wished to destroy this species of property, and to annihilate these distinctive marks of superiority, it was a sufficient reason, with this wise representative of the nobility, to move, that, before any means should be taken for the restoration of order, this work of destruction should be completed!

The motion was seconded by the Duke d'Aiguillon, and the scene which followed was truly ridiculous; never was the sacrifice of property accompanied by such a curious mixture of tears, gestures, and exclamations. It ended with the abolition of all feudal rights, for, although certain reservations were made, in respect of a particular description of those rights, these reservations were afterwards overruled, and the abolition became general. And one member of the nobility, who had nothing but his *dovecote* to sacrifice on the altar of

patriotism, or rather at the shrine of Bacchus, made a merit of offering that tribute to the *sovereign people*, observing, in the philanthropic spirit of the evening, that pigeons were hurtful to agriculture.—The game laws which, in France, were more rigorous than in any other part of Europe, were, in a moment, annihilated ! If these enthusiastic senators had only amused themselves, and indulged their feelings, with the sacrifice of *their own* property, their generosity, though not their wisdom, might have afforded fair grounds for admiration ; but when it is considered, that they thus annihilated the property of others, and reduced thousands, from a state of comparative affluence, to poverty and distress, without the shadow of a legal right, or even plausible pretence, for their conduct, it is impossible to praise their generosity, at the expence of their justice, or to compliment their understanding at the expence of their integrity !

This motion passed, of course, unanimously, and was followed by a decree, which, had it been the result of deliberative justice, would have been entitled to great commendation. By this decree it was enacted, that taxes should be equally supported, according to the abilities of those who paid them ; that justice should be administered gratuitously ; that the sale of places should be abolished, as well as all pecuniary privileges and exemptions ; that franchises, and peculiar jurisdictions, should be reformed, and that all ecclesiastical, civil, and military employments, should be open to citizens of every description, without any distinction of *birth*. These, certainly, were wise and just regulations ; and, had they been adopted in a regular and legal way, and accompanied by a series of corresponding provisions, all tending to strengthen, confirm, and enforce, the principle on which they were founded, they might have formed the basis of individual happiness, and of national prosperity ; and have prevented all those disgraceful and destructive scenes, which spread consternation and dismay through all classes of society, from the cottage to the throne. Unfortunately, they were not the legitimate progeny of reason, but the spurious offspring of passion. They were immediately followed by the renunciation of the local privileges of particular provinces and towns, many of which were secured by the very acts which united

them to the French Monarchy ; and these renunciations were made by some of the representatives of those places, whose peculiar duty it seemed to be to guard them from invasion. But others of their representatives protested against their conduct, and were supported by the Archbishop of Aix, in a most sensible and impressive speech, which, however, in this moment of enthusiasm, or rather of folly, produced no effect. The clergy, not to be behind hand with their colleagues of the order of nobility, offered *their* sacrifices on the altar of patriotism ;—they consisted of pluralities, first fruits, and other ecclesiastical dues ;—the parish priests resigned their usual fees, and consented to become stipendiaries of the State ;—and, to crown the whole, it was decreed, that *tithes* should be suppressed, and a *modus* established in their stead !—These spiritual enthusiasts seem totally to have forgotten that they were only *usufructuaries* of the revenues which they thus lavishly, inconsiderately, and *dishonestly*, resigned ;—they could enjoy them only for their lives, and for their lives only could they, consistently with honesty and with justice, resign them.

When these men came to ~~their~~ sober senses, the next day, they were astonished, as well they might be, at the extent of their own imprudence and folly, and endeavoured in the course of the debate, which occurred on the reduction of their irregular motions and decrees into form, to explain away their meaning, and to procure, at least, some modification of the projected laws, but in vain : it was too late to retract, and the *pigeons* were the only objects which escaped the general proscription ;—but, alas ! too late to save all the lives of those devoted victims of infuriated patriotism ;—for the mob, who filled the galleries the preceding evening, and who heard their death-warrant pronounced, quickly circulated the news throughout the country, and put the sentence in execution, before the reprieve could be received, or even determined. All the decrees were now reduced into order, though not finally passed, and, in their cooler moments, exceeding even the enthusiasm of the preceding night, the assembly pronounced the entire abolition of the whole feudal system. And that the nobles might not be worse treated than the clergy, although the evening before they had resolved, that tithes should be commuted for a *modus*, they now did

not hesitate to decree the entire abolition of tithes!—"Thus," says the eloquent de Rivarol, "was abolished, that patriarchal tribute, which was the most ancient, and the most venerable, that existed upon earth;—thus was burst asunder the band which connected the hopes of the earth with the favours of Heaven; the interest of the Christian Pontiff with the prosperity of the Christian labourer; and the canticles, and the prayers, of every age, with the fruits, and the flowers, of every season."*

In vain did some of the members protest, that the sacrifices, which they were about to make, exceeded their powers; in vain did the Abbè Sieyes, the idol of the Palais Royal, and the first Apostle of Democracy, ascend the tribune, to defend the property of the Church; in vain did he tell the demagogues of the assembly, *that they wished to be free, and knew not how to be just*: he consumed himself in the fire which he had enkindled with his own hands, and lost, at once, his cause and his popularity. It was pertinently asked, how the man, who had, in his first works, overthrown the foundations of all property, could expect to make that of the clergy respected. In the truths which he enforced, interest alone was descried; and the people, astonished that he who had recommended the murder of the flock, should wish to preserve the fleece, compelled wise men to acknowledge, that the Abbè Sieyes had either reasoned badly in the tribune, or had reasoned badly in his books. So that he deceived two parties at once; the clergy, who, at first, considered him only as a philosopher in the habit of a priest; and the *Palais-Royal*, who only regarded him as a priest in the cloak of a philosopher.† The Archbishop of Paris closed the discussion, by a stupid rhapsody, in which he courted popularity by the sacrifice of justice; and, giving up the rights of the church, consented that the clergy should become pensioners of the National Assembly.‡

* Journal de Sabatier, vol. ii. p. 20.

† Idem. Ibid. p. p. 20, 21.

‡ It is just to observe, that numbers of the clergy hesitated to sanction this unjustifiable and ruinous proceeding; but they were so threatened and insulted by the mob, that they actually consented, through bodily fear, to do an act which their conscience could not but condemn.

This same prelate had, at the end of the discussion of the preceding night, moved, that the assembly should *order* a *Te Deum* to be sung in the *Royal Chapel*, in presence of *the King*, the ministers, and the National Assembly. His motion passed unanimously, as did another proposed by M. de Lally Tolendal, at the same time, for proclaiming Louis XVI. the *restorer* of French liberty.

This was the only notice taken of the existence, either of the *King* or of the Monarchy, during the whole of these curious debates, which are certainly without a parallel in the annals of legislation. Decrees, destroying property as sacred as any that can exist in a civilized state; annihilating rights, and subverting institutions coeval with the monarchy itself, were passed into laws, and as laws promulgated and enforced, *without* even a single suggestion, on the part of any one member, that it was necessary to have the *King's* consent, in order to give validity and effect to any of their legislative regulations. In fact the National Assembly had no more legal right to make a law, than the electoral council at the *Town-House* at Paris. In this respect they were *usurpers* of the worst and most dangerous species. Their conduct reduced the *King* to a mere cypher, and annihilated the constitution of the realm. The Archbishop of Aix, indeed, had on a former occasion, strongly impressed this truth on their minds, when no one attempted to deny the justice of his observations; which were in fact, unanswerable: but that prelate seems, in the present instance, to have been infected with the contagion of sacrifice, which passed, with the rapidity of an electric shock, through the whole assembly, rendering them deaf to the most cogent arguments, and blind to the most obvious truths. The nobles called that memorable night, *the night of the sacrifices*; and the Commons gave it the equally appropriate appellation of, *the night of the dupes*.*

The assembly, however, were soon roused from their philanthropic reveries, by the appearance of all the ministers, who, on the 7th of August, interrupted their debates, in order to call their attention to

* Journal de Sabatier, vol. ii. p. 15.

the pressing exigencies of the state, and to deliver a message from the King. The Archbishop of Bourdeaux, at their head, drew a just picture of regenerated France: "The unbridled licentiousness of the times; the laws without force; the forms of justice neglected, and force and arbitrary proscriptions substituted in their place; property invaded in every province; incendiaries ravaging the habitations of the inhabitants; the asylums of piety, industry, and commerce, suspended; and terror and desolation spread throughout the kingdom." Such were the first fruits of the patriotic labours of an assembly, convened, in fact, for the reformation of abuses, and, according to their own account, to give laws and a constitution to their country. The object of the message was to direct the immediate attention of the assembly to the means of suppressing these dreadful disorders. Mr. Neckar completed the picture of misery, by representing the total destruction of the ordinary sources of revenue, the extreme poverty of the government, which rendered a loan of *twelve hundred and fifty thousand pounds sterling* indispensably necessary, to supply the most pressing wants of the two succeeding months, which would suffice for the completion of the labours of the assembly! But, though the most advantageous terms were offered to subscribers to this trifling loan, the subscriptions never filled; and no other means were taken to suppress the public disorders, than the recommendation of vigilance to the municipal officers, and to the militia, all of whom were the instruments of faction, and the firmest partisans of the revolution.

But the assembly felt the expediency of proceeding, at length, in the task of legislation: and when they began to discuss the principles of the monarchy, even in the state to which they meant to reduce it, they found themselves obliged to admit the necessity of the Royal Sanction to their proceedings, before they could have the force of law. —After many debates, they finally decided, on the 8th of September, that the legislative body should be permanent; and, on the 10th, that it should form but *one* chamber. They next decreed, that the King should have the power of refusing his sanction to their decrees; that the power, however, should not be absolute, but that if the same decrees, which he had refused to sanction, should be proposed for his

acceptance, by three successive assemblies, he should be obliged to give the Royal Assent. It was afterwards resolved, first,—“That the King’s person was sacred and inviolable: second—That the Throne was indivisible: and third—That the Crown was hereditary in the male line, in the order of primogeniture, to the total exclusion of females and their descendants.

After the necessity of the Royal Sanction had been admitted, the assembly acknowledged the obligation of submitting their memorable decrees of the 4th of August to his Majesty; but it became a question with them, which shewed how little they suffered their regard even for fundamental principles, to interfere with their revolutionary projects, whether these decrees should be presented to the King for his *consent*, or merely for his *promulgation*. In the latter case, it was evident the King would become the executive officer of the National Assembly, whose province it was to promulgate their decrees. Yet this opinion ultimately prevailed, and the monstrous notion was adopted, that *constitutional resolutions, or decrees*, were to have the force of laws without the King’s consent.—Thus the King was to be the only person in the kingdom who was to have no voice, either by himself or by his representatives, in the formation of a constitution, in which he was certainly infinitely more interested than any other *individual* in the kingdom.—And thus, while general liberty was proclaimed, he was made the only slave in his dominions! After some fruitless opposition to these doctrines, so utterly subversive of the monarchy, his Majesty submitted, and the decrees were promulgated.

Meantime the distress of the government, and the disorders of the country, continued to increase.—All the means suggested by Mr. Neckar for relieving the former, proved impotent: proposals for a new loan, on terms still more advantageous to the subscribers, were issued, but still without effect;—and to supply the wants of this great monarchy, recourse was had to patriotic offerings of shoe-buckles and watch-chains;—the royal plate was sent to the mint, to be made into coin; and the clergy presented that of the church (which was not

their property) for the same purpose. The affection which the King incessantly displayed for his people; the cheerful resignation with which the Royal Family, and the nobility, submitted to the most important sacrifices; the readiness which they manifested to adopt any feasible plan for the relief of the country, and for the general good, might easily, under the management of skilful ministers, have turned the tide of popularity into its ancient channel. But the ministers had not the ability, the judgment, nor the resolution, to give it this direction; and the Orleans party, more desperate in their plans, and more decisive in their measures, exerted all their efforts, and directed all their operations, to counteract the effect of these advantageous circumstances, by the circulation of the most infamous calumnies, and by keeping alive the spirit of discontent, by the most unprincipled artifices, in the provinces, but more particularly in the capital. But nothing was considered to be so well calculated for promoting the success of their projects, as the removal of the assembly to Paris.—Accordingly, this was resolved on, and the 5th of October was the day fixed for carrying their plan into execution. Many of the members of the assembly, who had friends at Paris, were apprized of the existence of this conspiracy, and of the means to be employed for ensuring its success, so early as the 14th of September.* These members were all friends to the King, and to the monarchy, although they had inconsiderately acquiesced in measures, the natural tendency of which was to destroy both; and, having compared the information which each had received, agreed to hold a conference, at Mr. Malouet's, on the 15th of September.—A committee was formed of fifteen of them, who, having consulted different members of the Commons, or third estate, and unfolded to them the views of the conspirators, secured more than three hundred of their votes, (independently of those of the two other orders, a majority of whom, at least, there was every reason to believe, would heartily co-operate with them,) in favour of an effort to persuade the King to remove the assembly to Tours. Three of the committee, amongst whom was Mr. Malouet, were commissioned to make the proposal to the King. They accordingly re-

* Bertrand's Annals, vol. ii. p. 87.

quested M. de Montmorin, and Mr. Neckar, to lay it before his Majesty. But, strange to say, this obvious and only means of self-preservation was rejected by the King himself, who, no doubt, judging of the feelings of his subjects by his own, resolved, fatally for himself, and for his country, to remain at his post. The next day, M. de la Fayette sent similar information to M. de St. Priest, one of the ministers, requesting him to communicate it to M. d'Estaing, who commanded the militia of Versailles.—On receiving it, M. d'Estaing represented to the municipality the absolute necessity of requesting the King, that a regiment of the line might be ordered to join the militia, as they were peculiarly responsible for the safety of the Royal Family, and of the members of the National Assembly. The municipality concurred with M. d'Estaing, and, on the 21st, communicated their intention to the President of the National Assembly. Mirabeau, enraged at this obstacle interposed to the accomplishment of his favourite plan, had not the decency even to conceal his mortification and disappointment.—He forgot himself, indeed, so far as to deny the right of the municipality to make such a request; and exposed himself to the most degrading contradiction which man ever experienced, in the production of the decree which he himself had approved, for giving to the municipalities the very right in question. The municipality accordingly applied to the King, who, by a superabundance of caution, communicated their application, and his own compliance, to the assembly.

In consequence of orders now issued, the regiment of Flanders arrived at Versailles; and the cowardly mob of Paris, (for cruelty and cowardice are inseparable companions) were as much alarmed as if Marshal Broglio, with 30,000 men, had received orders to attack them, and they had not a single man in arms to resist him. The consternation was such, that M. Bailly, the new mayor, wrote to the Secretary of War to desire that the regiment of Flanders might be sent away. His letter was laid before the assembly, who refused to take cognizance of it. A dinner, which was given to this regiment, (which a detachment of patriotic prostitutes had been dispatched from Paris, for the purpose of corrupting and of seducing from their duty

to the King,*) afforded a fresh subject for declamation to the patriots of the assembly, such as Robespierre, Adrien, Dupont, Petion, and Mirabeau, who advanced upon the occasion the most gross and ridiculous falsehoods.†

At day break, on the fifth of October, the populace began to assemble in Paris, where the agents of the Duke of Orleans had taken special care to produce an artificial scarcity of bread; convinced that the want of *bread* was the most powerful incentive which could operate on the human mind. Some of the Militia of Paris, horse and foot, who had assembled for the protection of the Town-House, were soon dispersed, by a party of drunken women, who pelted them with stones, and drove these civic heroes of the revolution from their posts. The municipality, and M. de la Fayette, were alike threatened by the mob; and they both complied with the requests of the sovereign people, in order to elude their vengeance. The former gave an order to the latter, which the latter solicited, to place himself at the head of the mob, *at the desire of the people*, and to proceed to Versailles. So little did the ministers, notwithstanding the previous information which they had received, expect this attack, that they had suffered the King to go to Meudon, to enjoy his favourite diversion of shooting. They received the intelligence, however, of the horrible procession, about noon, when M. de St. Priest wrote a letter, with which the Marquis de Cubieres immediately hastened to the King: he arrived at the same moment with M. de la Devèse, a nobleman of Dauphiné, who had met the armed rabble on the road, and who rode full speed to give his Majesty information of their approach.—“I beseech your Majesty,” said this officer, “not to be afraid.” “Afraid!” said the King, “I never was afraid in my life.” The gallant nobleman, like a true French nobleman of the old school, tendered his services to his sovereign, and swore he would defend him to

* Idem. Ibid. p. 46—47.

† It is foreign from the purpose of this history to detail, all interesting and important as they are, the particulars of this transaction, or of the events of the 5th and 6th of October.—They must be reserved for another work;—hitherto they have been most imperfectly, and most incorrectly, related.

the last drop of his blood.* The King was much affected, thanked him, and, mounting his horse, returned to Versailles.

An assurance from M. de la Fayette, to the assembly and to the ministers, that he had hopes of speedily restoring tranquillity to the capital, seems to have lulled the court into a fatal security. Whether the assurance arose from his presumption, or proceeded from his hypocrisy, it is difficult to decide. It was certainly great folly to give it, and still greater folly to trust to it. M. de Bertrand assures us, that it was not the intention of the Orleans faction to murder the King on this day, but to compel him to leave Versailles, and then to avail themselves of his absence, to declare the Duke of Orleans Lieutenant-General of the Kingdom. His sources of information were certainly good; but there were circumstances attending the occurrences of the 5th of October, which afford the strongest grounds for suspecting that it was intended, by some of the rebels at least, to murder the Queen, if not the King; and, indeed, it is difficult to conceive how they could have assassinated the one without the other.

The iron gates of the Palace were closed, and in the open space before them were drawn up the Regiment de Flandres; the Rangers of the Three Bishopricks; The Gardes-du-Corps; the Guards of Monsieur, and of the Count d'Artois, and a squadron of horse; and the Militia of Versailles were stationed in the barracks.—The National Assembly were engaged in the morning in a debate on the King's answer to their metaphysical declaration of rights, and on the *formidable* entertainment given by the Gardes-du-Corps to the Regiment de Flandres; objects of mighty importance, at a moment when a furious armed rabble threatened, with destruction, the palace of their Sovereign. It is worthy of remark, too, that though the presence of a few regiments in the capital had filled them with alarm, an army of rebels, exercising supreme power in that same city, and now advancing to the very place of their sitting, did not excite the smallest apprehensions in their minds. Mirabeau's mind, however, was solely intent on the approach-

* Bertrand's Annals, vol. ii. p. 72.

ing scene, and, four hours before the mob reached Versailles, he went up to the President, Moanier, in the midst of the debate, and, in a whisper, said, "Mr. President, forty thousand armed men are on their way from Paris ;—hurry the debates ; break up the sittings ;—pretend to be ill, or say that you are going to the King !"—"I never hurry the debates," answered Mounier, coldly ; "I think they are but too often hurried through."—"But, Mr. President, these forty thousand men !"—"So much the better ; they have but to kill us all ;—*all*—do you understand me ? and the business of the State would go on the better for it."—"That's prettily said, Mr. President !"—And thus the dialogue ended.

It was three in the afternoon when the *van guard* of the Parisian rebels, consisting of women, and headed by a notorious ruffian, one Maillard, arrived ;—a deputation of them went to the assembly, to demand the punishment of the Gardes-du-Corps, for insulting the National Cockade ; the dismissal of the regiment of Flanders ; and, lastly, *bread* for the inhabitants of Paris.—The assembly, instead of undeceiving these people, and recalling them to a sense of their duty, deputed their president, and some of their members, attended by several of the women, to repair to the palace, and represent their complaints to the King.—The King received them with kindness, and soon sent them away satisfied.—But the expression of their satisfaction had nearly cost them their lives, as the leaders of the mob had still occasion for their services ; and, of course, wished to prevent their return to the capital.

By this time the whole of the procession, containing many thousand armed men, of various descriptions, had reached Versailles. The women were employed to distribute money among the privates of the regiment de Flandres, which, strange to say, they were suffered to do with impunity. The Militia of Versailles required but little trouble to corrupt ; they were traitors in heart, like most of the revolutionary militia ; and it was very soon perceived that the *Gardes-du-Corps* were the only troops on whom any reliance could be placed. Even these, if left to the discretion of their officers, and to their own native courage,

might have sufficed to disperse the cowardly rabble, armed and unarmed, by which they were surrounded. But, as if the King were bent on his own destruction, he had restrained them from acting, by giving positive orders to them not to fire. The mob soon became sensible of this imprudence, and proceeded to insult and assault these brave men with impunity. The *Gardes-du-Corps* were repeatedly fired at; even the traitorous Militia of Versailles fired a volley at them, as they passed the place at which they were stationed.

M. de St. Priest, perceiving the dangerous situation in which the Royal Family were now placed, hastened to the palace, and throwing himself at the King's feet, vowed not to rise until his Majesty had granted his request. The King, after a great deal of hesitation, promised compliance; and the minister then told his Majesty, that the only means of saving him and his family from destruction, was to leave Versailles in an hour, and proceed to Rambouillet; that he would immediately go and make the necessary preparations, and would wait for his Majesty at the end of the park. He had not been long gone, however, before the King began to waver; and, actuated by that spirit of indecision, which ultimately brought him to the scaffold, he sent to countermand the orders which he had suffered to be given; and endeavoured to allay the tumult by *the dismissal of the troops!!!*—The palace was now, as might naturally be expected, regularly besieged;—the *Gardes-du-Corps* were formally attacked, and the Royal Family were in imminent danger. The carriages were then sent for, by some of the King's attendants, though without the King's knowledge; but too late: the rebellious Militia of Versailles had secured every avenue, and the carriages were stopped in their way to the palace, and conveyed back to the stables.

M. de la Fayette went in person to the palace, to renew to the King those assurances of safety which he had first made in his letter of the morning. At his request, the French guards, who formed a part of the rebels who had accompanied him from Paris, were admitted to resume their former stations, and all the gates of the palace were thrown open to receive them. The mob were exceedingly tired, and

hastened to make good their quarters for the night, wherever they could ; threatening, however, to wreak their vengeance on the Gardes-du-Corps on the following day. But La Fayette protested to the King, “ that the people were tranquil, and that the army would march back next morning, by break of day. *I beseech your Majesty* (added he) *to go to bed, and to repose fully on my care ;—I WILL BE ANSWERABLE FOR ALL !*” *—Was the Marquis a *fool* or a *traitor* ?

Reposing on the words of La Fayette, the Royal Family retired to rest ; the National Assembly, too, with the exception of some of the most furious demagogues, †—Such as Mirabeau, Barnave, and Petion, left their hall as usual. The *Duke de Guiches* withdrew the detachment of body guards, which had been stationed upon the terrace, to Trianon ; La Fayette himself, went quietly to bed ; and the palace was left to the protection of less than a hundred of the Gardes-du-Corps, who were stationed within its walls ; and a detachment of the French guards, who took their posts in the courts without. Two hundred gentlemen, indeed, resolved to form a body of horse, to be ready to defend the Royal Family in case of attack ; and applied, through Madame Elizabeth, to the Queen, for an order for horses from her stables ; and her Majesty wrote, herself, the following order, which she sent to the President *de Frondeville*. “ I order two hundred horses to be got ready for M. de Luxembourg, to be employed as he shall think proper, if the King’s life should be in the least danger ; but if I only am in danger, no use shall be made of the present order.” ‡ The whole of the Queen’s conduct, at this dreadful conjuncture, perfectly corresponded with the resolution, and presence of mind, displayed in this order.

At a quarter past five in the morning, of the 6th of October, the attack on the palace began. The scenes which followed, beggar all

* Bertrand’s *Annals*, vol. ii. p. 102.—This was said in the presence of the Duke de Guiches, (who commanded the *Gardes-du-Corps*) on whose authority it is related by M. de Bertrand.

† *Journal de Sabatier*, vol. ii. p. 265.

‡ Bertrand’s *Annals*, vol. ii. p. 105.

description. The King, in pursuance of that same system of spurious philanthropy which marked the whole of his conduct, had commanded his body guards "*not to fire upon, nor to strike, any person ;*" *in short, not to defend themselves.* To their Major, the Count d'Aguesseau, who delivered the orders, these gallant men answered, "*Sir, assure our unfortunate master that his orders shall be obeyed, but we shall be murdered.*"* Many of them, indeed, were murdered, in a most cowardly and barbarous manner, by the mob. But they succeeded in defending the passage to the Queen's apartments, long enough to enable her Majesty to escape from it just in time to elude the fate that was intended for her ;—for the mob repeatedly exclaimed, *that they must cut off the Queen's head, that they wanted to tear her heart out.*† Some of the ruffians entered her chamber immediately after she had left it, and wreaked their impotent vengeance on the bed. Many of the Gardes-du-Corps were rescued from the fury of the mob, by the active humanity of one of the captains of the Paris Militia, a physician, of the name of Gondran ; and the grenadiers of the French guards, whose conscience smote them for their past treachery, saved the lives of others.—After this work of rebellion and murder had continued for a considerable time, M. de la Fayette, awaked from his slumbers, mounted his charger, and exerted himself most actively in putting a stop to the disorders which he ought to have prevented.

The Royal Family had all assembled, in safety, in the King's cabinet, and the mob had been driven out of the palace, before the *ministers* made their appearance.—Neckar, the idol of the people, had lost both his eloquence and his courage ;—he dared not address those Parisian friends over whom he so recently flattered himself he had an unbounded influence ; but was compelled to contemplate, in silent horror, the dreadful scene before him.—The mob were still firing in front of the palace ; and a ball passed very near the window at which the Queen was standing.—Her cool, intrepid courage, however, soon converted the savage maledictions of this furious rabble into cries of admiration, when, fearless of danger, she obeyed their ferocious summons to appear in the balcony.

* Idem. Ibid. p. 110.

† Idem. p. 114.

Whether this sudden and unexpected turn in the disposition of the mob defeated the immediate object of their expedition, and disappointed the hopes of their leaders; or whether the man, whose ambition stimulated, and whose money paid, their exertions, wished still to keep up appearances, and to avert suspicion from himself; or whether he only wanted to know what was passing in the interior of the palace, and to watch for an opportunity of renewing the attack, should it be found practicable, the Duke of Orleans now thought proper to visit the palace.—But a few minutes before he had been seen in the midst of the rabble, who hailed him as their chief, and their *father*, and whose applauses he received with undisguised satisfaction.—If he had not been as destitute of feeling as of principle, he would not have dared to make his appearance in the midst of that family whose lives he had so recently sought;—for it is proved, by incontestible evidence, that he was on the stair-case, in the morning, when the mob rushed up it, and shewed them the way to the Queen's apartment.*—The rebel prince experienced the treatment which he deserved;—The Royal Family beheld him with silent contempt; but some of their noble attendants cast on him looks of indignation that would have roused the spirit of any other man in France, except himself and Mirabeau.

But the most fatal effect of this revolutionary expedition to Versailles, was the rash and imprudent resolution which the King took, at the instigation of the mob, to transfer his residence from Versailles to Paris. This gave to the faction of Orleans every advantage which they could now hope to derive from their arts and intrigues.—It, in fact, placed the Royal Family entirely in their power. While the King was deliberating on the propriety of acceding to the wishes of the po-

* The proof of this horrible fact is found in the proceedings instituted by the Chatelet, at Paris, for the purpose of investigating the causes of the outrages committed at Versailles, on the 5th and 6th of October.—It is contained in the deposition of the Chevalier de la Serre, an old officer, and a knight of St. Louis, who relates a conversation which he had with some of the mob, respecting the Duke, and who positively swears, that he himself *saw the Duke of Orleans, at the head of the people, pointing out to them the way to the room in which the Queen's body guards were stationed*; and which joined her Majesty's apartment.—*Suite de la Procedure criminelle, instruite au Chatelet*, vol. ii. p. 84.

pulace on this subject, he sent a message to the National Assembly, requesting they would come to him and assist him with their advice. But, Mirabeau having declared it to be beneath the dignity of the assembly to comply with the King's request, (although he had not thought it beneath their dignity to admit the lowest and most profligate of the rabble to sit with them in their hall, and to clap or hiss their speeches, as they would the performance of an actor in the theatre) the assembly acquiesced in his opinion.—When, however, they heard of the King's determination, they resolved, that wherever the King was there the assembly should be; and appointed a deputation of a hundred members to attend his Majesty to the capital. It was left to the president to make out the list of the names, from which he excluded that of Mirabeau, which one of the secretaries, at his desire, had officiously placed upon it. Mirabeau, vexed and disappointed, told the president that he only wished to be one of the deputation, that he might appease the people, in case of any tumult on the King's arrival at Paris:—"Sir," said Mounier, "*they who have power enough over the minds of the people to appease them, may also inflame them.*"*

The King left Versailles, that very day, at noon, with the whole of his family now remaining in France; and, after enduring every species of insult on the road, the heads of two of his murdered guards being carried on pikes, in the front of the horrible procession, arrived at his last prison, late in the evening. He took up his abode in the palace of the Thuilleries, which was totally unprepared for his reception;—and, on the 19th of October the National Assembly held their first sittings in the capital.

* Bertrand's Annals, vol. ii. p. 143.

CHAPTER XIV.

Favourable sentiments of the People of England respecting the French Revolution—Attachment to the Constitution of Great Britain—The cause of those sentiments in some—Imputable to revolutionary principles in others—The Revolution Society—Doctor Price—Earl Stanhope—Congratulatory address of the Society to the National Assembly of France, adopted at the instigation of Doctor Price—Contrast between the British and French Revolutions—Cautious conduct of Mr. Pitt, on the subject of French affairs—Meeting of Parliament—Army Estimates—Opposed by Mr. Fox, as too great—Mr. Fox echoes the sentiments of Mirabeau and Robespierre, in panegyrising the rebellious conduct of the French Military, which he holds up as a glorious example to all the armies in Europe—Tendency of such praise—Answered by Colonel Phipps, who contrasts the conduct of the British troops, in 1780, with that of the French at this period.—Mr. Pitt supports the proposed Estimates—Mr. Fox again applauds the French Revolution—Eloquent speech of Mr. Burke—Mr. Burke aptly characterises the spirit and principles of the French Revolution, and the conduct of the French soldiers;—and contrasts them with those of the English Revolution, and of the English soliders—Mr. Sheridan opposes Mr. Burke, and praises the French Revolution—Charges Mr. Burke with having libelled Bailly and La Fayette—Mr. Pitt closes the debate, and expresses his thanks to Mr. Burke—Mr. Fox moves for the repeal of the Test and Corporation Acts—Debates on the subject—Mr. Pitt opens the motion—Defines the nature of Toleration—Defends the principle of Tests, as congenial with the spirit of a Monarchical Government—Argues the question on the double ground of right and of policy—Proves the Test Laws to be no violation of the rights of the Subject, but a restriction on the prerogative of the King—Demonstrates the necessity of an Established Church, and the necessity of Test Laws for its support—Mr. Burke supports the arguments of Mr. Pitt—Notices a meeting of Dissenters at Bolton—Acknowledgment of their Designs to abolish Tithes and the Liturgy—Exposes the dangerous tendency of their conduct—Motion rejected by a great majority—Parliamentary Reform—Mr. Flood's project—Opposed by Mr. Windham; by Mr. Pitt; withdrawn—Mr. Sheridan moves for the repeal of the Tobacco Act—Answered by Mr. Pitt, who defends the law, and exposes the frauds of the Manufacturers—Motion rejected on a division—Mr. Pitt opens the Budget—Prosperous state of the Revenue—Reverse of the picture, by Mr. Sheridan—Dispute with Spain—Nootka Sound—King's Message to Parliament—Address of both Houses—King's Speech—Dissolution of Parliament—Mr. Fitzherbert sent to Madrid—Discussions between the British Ambassador and the Spanish Minister—Spain applies to France for the fulfilment of the family compact—France not disposed to go to war with England—Spain, despairing of assistance, complies with the demands of England—Final adjustment of the dispute in a convention.

[1790.] The impression made on the minds of the people of England, by the recent occurrences in France, was various.—The general opinion, however, was highly favourable to the Revolution, and even its most criminal excesses, grossly misrepresented in publications industriously circulated, were viewed, by the multitude, with a favourable eye.—Attachment to the British constitution naturally generates an abhorrence of despotism, under every possible form and shape.—And to this principle may, probably, be attributed the praise which many men, of superior intellects, bestowed on, what they considered, the efforts of the French nation to shake off the shackles of tyranny, and to establish a new government, on the basis of civil liberty. But such men must have contemplated the revolution in the abstract, and have looked to remote consequences which their ardent imagination represented to them as certain, without descending to any minuteness of enquiry into the motives in which it originated, the means by which it was accomplished, or the effects which it had *actually* produced.—This, however, is not a fair, or a wise, way of viewing any question of moral or political importance.—And such reasoners, too, must admit the jesuitical principle, that the *end* justifies the *means*.

But while the love of freedom led many, certainly without due consideration, to admire the French Revolution, the admiration of others flowed from a very different source ;—from a revolutionary ardour, and a fondness for innovation, which led them to look on all resistance to power as commendable, to confound revolt with liberty, and to convert conspirators into patriots.

Amidst this general predilection for the new politics of regenerated France, there were some few enlightened minds, who viewed the French rebellion with horror ;—who considered the principles broached by the leading members of the National Assembly, and adopted by the majority, as striking at the very root of society ; and who foresaw that those outrageous proceedings, instead of producing such a change in the condition of the French people, as every friend to rational and well-regulated freedom must desire, would bring forth the most cala-

mitous consequences, and terminate either in popular anarchy, or in the establishment of unqualified despotism.

Among its most ardent admirers, was an assemblage of persons, who had associated themselves for the purpose of commemorating the British Revolution of 1688; and who appear to have seen, in that event, nothing but what was *revolutionary* as deserving of their praise, and thence to have conceived an idea, that they were bound to stand forth the champions of every revolution in every country.—The members of this “Revolutionary Society” were chiefly dissenters from the established church; but the president, at the period in question, was a British Peer; a man, the eccentricity of whose character is, fortunately, so well understood as to remove all apprehensions from the minds of the British nobility of having him considered, even by foreigners, as a fair specimen of the aristocracy of the kingdom.—Dr. Price, a dissenting minister, equally eminent for his talents and for his zeal, who was one of its most distinguished members, could not suffer the opportunity to escape, which an anniversary meeting afforded, (in November, 1789) for proclaiming his admiration of the new principles which had been promulgated at Paris and Versailles.—Accordingly, after the committee had laid down three *fundamental* principles, the last of which was as incontrovertibly just, as the two first were false, untenable, and mischievous,* and had resolved to congratulate the members of the Society “on the glorious success of the French revolution,” and to express “their ardent wishes that *the influence of so glorious an example may be felt by all mankind*, until tyranny and despotism shall be swept from the face of the globe;”† the Doctor moved a con-

* “These propositions,” containing the fundamental principles of the Society, were—
 “1. That all civil and political authority is derived from the people: 2. That the abuse of power justifies resistance: 3. That the right of private judgment, liberty of conscience, trial by jury, and the freedom of election, ought ever to be held sacred and inviolable.”—
The Correspondence of the Revolution Society in London, with the National Assembly, and with various societies of Friends of Liberty, in France and England, p. 2.

† This resolution was accompanied with a call to “the people to establish societies throughout the kingdom, upon *revolution principles*, to maintain a correspondence with each other, and to form that grand concentrated union of the true friends of public liberty, which may be necessary to *maintain its existence*.”—It is not improbable, that the hint here sug-

gratulatory address to the National Assembly of France, which was unanimously adopted. In this address, the Society, disdaining national partialities, and rejoicing in every *triumph of liberty and justice* over arbitrary power, offered to the National Assembly of France their congratulations on the revolution in that country, and on the prospect it gave to the two first kingdoms in the world of a common participation in the blessings of civil and religious liberty. They expressed the particular satisfaction with which they reflected on the tendency of the glorious example given in France to encourage other nations to assert the *unalienable* rights of mankind, and thereby to introduce a general reformation in the governments of Europe, and to make the world free and happy.

How far the triumph of *liberty and justice* had been secured by the revolutionary transactions in France, may be easily decided by the faint sketch of those transactions exhibited in the preceding chapter.—Certainly no two events could differ more essentially, in their fundamental principles, and in all their leading features, than the English revolution of 1688, and the French revolution of 1789 ;—the grand principle of the one was *conservative*, that of the other *destructive* ;—the end and object of the one were to maintain, inviolate, the established religion and constitution of the country ;—the natural and necessary tendency of the other was to destroy both the church and the throne, by the annihilation of all those means of preservation, by which alone they could be maintained. It is difficult then to imagine how any sincere friend to the British revolution could really admire, or approve the revolution of France.

The resolution of this club, however, was transmitted to the National Assembly, who, having frequently descended to answer the remonstrances of fishwomen and insurgents, did not deem it beneath their dignity to direct their president to make a suitable acknowledgment for the honour conferred on them. It is remarkable that this

gested gave birth to the affiliated societies of the Jacobins in France, which proved so powerful an engine of destruction.

task fell to the lot of the Archbishop of Aix (who happened then to be president,) the very prelate, who had so strongly combated all the leading measures of the revolution, and had, on different occasions, given the most decided advice to the King, to resist the illegal and unconstitutional encroachments of the National Assembly!—He extricated himself, however, from the difficulty with tolerable skill and ability.

While public opinion took this direction, Mr. Pitt, and his political associates, remained perfectly quiescent, and contented themselves with a renewal of their assurances of continued amity with France, without expressing either approbation or disapprobation of the measures of internal policy, which the government, or rather the National Assembly, had thought proper to adopt.

Such was the state of things, when Parliament met, on the 21st of January. The King's Speech contained nothing remarkable; and the address passed in both Houses, without opposition, and with little debate.—But, when the army estimates were laid before the House, a discussion arose, which, though not important, from the immediate subject of it, became highly so from the extraneous topics introduced into it, and more particularly from the opportunity which it afforded or, rather, which it was made to afford, to the leading members of the Opposition to explain their sentiments respecting the French revolution. Mr. Fox objected to the estimates, because they were not yet reduced to the standard of a peace establishment, although eight years of peace had elapsed, and although the King had, in his speech, given the most solemn assurances of the pacific disposition of all the foreign powers. Adverting to the state of France, he observed, that the conduct of the French soldiers, during the late commotions, tended greatly to remove one of the objections which he had always entertained against standing armies. That army, by refusing to obey the dictates of the court, *had set a glorious example to all the military of Europe*, and had shewn, that men, by becoming soldiers, did not cease to be *citizens*.

Mr. Fox, in this instance, condescended to echo the sentiments of

Mirabeau, of Robespierre, and of the other members of the National Assembly, who had excited, or encouraged, the acts of treason and rebellion, committed at Paris. That the French guards, who were here particularly alluded to, were guilty of perjury and treason, by refusing to obey the commands of their officers, by joining the insurgents, and *by firing on his Majesty's troops*, without provocation, no man, in his senses, can pretend to deny. Is it not evident, therefore, that the natural tendency (for Mr. Fox could not be suspected of harbouring any such *intention*,) of holding up the conduct of these men as "*a glorious example to all the military of Europe*," including, of course, the *British army*, was to encourage a similar spirit of disobedience, and disaffection, in the troops of other countries? and, if that spirit were once roused, there would be an end to all regular government, and the same anarchy, or military despotism, which has been witnessed in France, would become universal, to the utter destruction of every vestige of civil liberty.

Colonel Phipps disclaimed for himself, and for the profession to which he belonged, all approbation of the proceedings of the French army; and, most pertinently, reminded Mr. Fox, that the conduct of our own army, during the riots of 1780, would have afforded him a much more unexceptionable ground of panegyric. In describing what the British troops did *not do*, he shewed what the French troops *had done*. Mr. Fox, he said, would there have found the soldiery of this nation *not* joining those who were riotously disturbing the public peace, and scattering ruin among individuals; *not* the first, in violation of their oaths, and of their allegiance, to head anarchy and rebellion; but men really feeling as citizens and soldiers, patiently submitting to the insults of the populace, and, in spite of provocation, maintaining the laws, and acting under the constituted authorities of the realm.

Mr. Pitt combated Mr. Fox's argument respecting the unnecessary extent of our military, on the ground that the unsettled state of Europe, notwithstanding the pacific professions of the different powers, rendered it both imprudent and unsafe to reduce it to a lower standard.

Mr. Fox took another opportunity, when the report on the estimates was brought up, to renew his expressions of applause of the French revolution, which he said was, in many respects, like the glorious event which established and secured the liberties of England ; as the conduct of the French soldiers was like the conduct of the British troops, on the landing of the Prince of Orange, in 1688. Here Mr. Fox echoed the sentiments of Dr. Price, and of the Revolution Society ; and pronounced, certainly, as gross a libel on the British revolution, as could have been uttered by the most inveterate *Jacobite*.—But he was now destined to meet, as an opponent, one whom, during the whole course of his political life, he had been able to class among his warmest friends and supporters. Mr. Burke, who had watched the progress of events in France, with a truly philosophic eye, and who had appreciated the principles on which the sages of modern Gaul professed to act, and anticipated the effects of their measures with a truly philosophic mind, rose to animadvert on the sentiments which had fallen from his friend Mr. Fox, respecting the present state of France. He paid Mr. Fox some very high compliments on the superior powers of his understanding, and on the benevolent and amiable qualities of his mind ; and declared, that he felt inexpressible pain at differing with him in opinion on any point. He then took a brief view of ancient France, observed that, in the last century, we were in danger of being entangled, by her example, in the net of a relentless despotism, which now no longer existed. Our present danger, from a people whose character knew no medium, was, with regard to government, a danger from anarchy,—a danger of being led, through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing, confiscating, plundering, ferocious, bloody, and tyrannical, democracy. On the side of religion, the danger of their example was no longer from intolerance, but from atheism ; a foul, unnatural vice ; foe to all the dignity and consolation of mankind ; which seemed in France, for a long time, to have been embodied into a faction, accredited, and almost avowed. Such were our present dangers from France, in the estimation of Mr. Burke, who further declared his opinion, that the very worst part of the example set, was in the late assumption of citizenship by the

army, and the whole of the arrangement, or rather disarrangement, of their military.

In a manly, generous style of eloquence, and with a candour and dignity of sentiment that raised him high in the estimation of mankind, Mr. Burke avowed his anxiety to keep the distemper of France from receiving the least countenance in England, where, he was sure, some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform ; and so strongly opposed was he to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that, much as it would afflict him if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could,) he would abandon his best friends, and join with his worst enemies, to oppose either the means or the end ; and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation ; a spirit well calculated to overturn states, but perfectly unfit to amend them.

He professed, and indeed had sufficiently proved, himself to be a friend to reformation, but he wisely judged, that any thing which unnecessarily tore to pieces the contexture of the State, not only prevented all real reformation, but introduced evils which would call, but, perhaps, call in vain, for new reformation. He thought the French nation very unwise, and that they valued themselves on what was a disgrace to them. They had gloried (and some people in England had thought fit to take share of that glory) in making a revolution ; as if revolutions were good things in themselves. All the horrors, and all the crimes, of the anarchy which led to their revolution, which attended its progress, and which might virtually attend it in its establishment, passed for nothing with the lovers of revolutions. The French had made their way, through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good one. They were in possession of it the day the States met in separate orders ; their business, had they been either virtuous or wise, or had been left

to their own judgment, was to secure the stability and independence of the States, according to those orders under the monarch on the throne. It was their duty to redress grievances. Instead, however, of redressing grievances, and improving the fabric of their State, to which they were called by their King, and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which served to fix the State, and to give it a steady direction; and which furnished some correctives to any violent spirit which might prevail in any of the orders. These balances existed in their oldest constitution, and in the constitution of this country, and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass.

When they had done this, they instantly, with the most atrocious perfidy, and breach of all faith among men, laid the axe to the root of all property, and, consequently, of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church. They made and recorded a sort of *institute* and *digest* of anarchy, called the Rights of Man, in such a pedantic abuse of elementary principles as would have disgraced boys at school; but this declaration of rights was worse than trifling and pedantic in them, as, by their name and authority, they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration they subverted the state; and brought on such calamities as no country, without a long war, has ever been known to suffer, and which might, in the end, produce such a war, and, perhaps, many such. With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of Freedom; freedom, and a better security for freedom than that which they had taken, they might have had without any sacrifice at all. They brought themselves to all the calamities which they suffered; not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities to prevent themselves from settling into that constitution, or into any thing resembling it. If they

should perfectly succeed in what they proposed, and establish a democracy, or a mob of democracies, in a country circumstanced like France, they would establish a very bad government,—a very bad species of tyranny.

Adverting more immediately to Mr. Fox's panegyric on the French army, Mr. Burke stated it to be an army for every purpose but that of defence.—That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, there could be no difference about it ; though, as it was usual when abstract principles were to be applied, much was to be thought of the manner of uniting the character of citizen and soldier. But, as applied to the events which had happened in France, where the abstract principle was clothed with its circumstances, what was done there furnished no matter of exultation, either in the act or in the example. These soldiers were not citizens ; but base, hircling mutineers, and mercenary, sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchic spirit, from the evils of which a democracy itself was to be resorted to, by those who were the least disposed to that form of government, as a sort of refuge. It was not an army in corps, and with discipline, and embodied under the respectable patriot citizens of the State, in resisting tyranny. Nothing like it. It was the case of common soldiers, deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions, and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination ; to raise soldiers against their officers ; servants against their masters ; tradesmen against their customers ; artificers against their employers ; tenants against their landlords ; curates against their bishops ; and children against their parents. This cause of theirs was not an enemy to servitude, but to society.

Mr. Burke wished the House to consider, how the members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed ; their title-deeds brought out and

burned before their faces, and themselves, and their families, driven to seek refuge in every nation throughout Europe, for no other reason than this; that, without any fault of theirs, they were born gentlemen, and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-whoop was "*à l'Aristocrat*," by which senseless, bloody, cry, they animated one another to rapine and murder; whilst, abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and, as far as they could, disgracing every name by which we formerly knew there was such a country in the world as France.

Having pursued this strain of animated eloquence, and of just (not *exaggerated*) description, for some time; giving a true definition and character of the nature of armies in general, and of the armed force of various sorts, in France in particular, this able orator proceeded to express his concern, that this strange thing, called a revolution in France, should be compared with the glorious event commonly called the revolution in England. At that period, the Prince of Orange, a Prince of the Blood Royal in England, was called in by the flower of the English aristocracy, to defend its antient constitution, and not to level all distinctions. To this Prince, so invited, the aristocratic leaders, who commanded the troops, went over with their respective corps, in bodies, to the deliverers of their country. Aristocratic leaders brought up the corps of citizens, who newly enlisted in this cause. Military obedience changed its object; but military discipline was not, for a moment, interrupted in its principle. The troops were ready for war, but indisposed to mutiny. Nor was the conduct of the English armies more different than that of the whole English nation. In truth, the circumstances of our revolution, (as it is called) and that of France, were just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us, it was the case of a legal Monarch attempting to introduce arbitrary power;—in France it was an arbitrary Monarch, beginning, from whatever cause, to limit

his power within the confines of the law. The one was to be resisted, the other was to be managed and directed ; but in neither case was the order of the State to be changed, lest government might be ruined, which ought only to be corrected and legalized. With us we got rid of the man, and preserved the constituent parts of the State ; there they got rid of the constituent parts of the State, and kept the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities ; we settled doubtful questions ; we corrected anomalies in our law. In the stable, fundamental parts of our constitution, we made no revolution ; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same subordinations, the same order in the law, in the revenue, and in the magistracy ; the same Lords, the same Commons, the same Corporations, the same Electors.—The Church was not impaired. Her estates, her majesty, her splendour, her orders and gradations, continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The Church and the State were the same after the Revolution that they were before, but better secured in every part.

Was little done because a revolution was not made in the constitution? No! Every thing was done, because we commenced with reparation, not with ruin. Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed, as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard, even of her former self. An era, of a more improved domestic prosperity, then commenced, and still continued, not only unimpaired, but growing under the wasting hand of time. All the energies of the country were awakened. England never presented a firmer countenance, or a more vigorous arm, to all her enemies, and to all her rivals. Europe, under her, respired and revived ; every where she appeared as the protector, assertor, or avenger of liberty.—

The States of Europe lay happy under the shade of a great and free monarchy, which knew how to be great without endangering its own peace at home, or the internal or external peace of any of its neighbours.*

Mr. Burke's speech rivetted the attention of the House, and called up Mr. Fox in explanation, who repeated his approbation of the conduct of the French troops, and his exultation at the overthrow of the French government; but expressed his concern at the acts of violence which had occurred, and declared himself an enemy equally to absolute monarchy, absolute aristocracy, and absolute democracy, and friendly to none but a mixed government like our own, to which it should be observed, the new government of France bore not the smallest similitude. He differed essentially from Mr. Burke in his opinion of the British revolution, in which he maintained great innovations had taken place; and he contended, that it was a case more parallel to the revolution in France than Mr. Burke was willing to admit. Mr. Sheridan expressed his sentiments with less scruple and reserve, in opposition to Mr. Burke; he conceived the French revolution to be as just as our own, proceeding upon as sound a principle, and a greater provocation;—and he defended with vehemence the general views and conduct of the National Assembly! He charged Mr. Burke with having spoken with *an unwarrantable freedom of speech* of that assembly—(*risum teneatis, amici?*) with being an advocate for despotism;—and with having libelled those illustrious characters, Mr. Bailly, and M. de la Fayette. Mr. Sheridan must either have been profoundly ignorant of the conduct of these patriots, or he must have adopted the new doctrine of libels—*the greater the truth the greater the libel*; for it cannot be supposed that any man, who really admired the characters of those who brought about the revolution of 1688, could sincerely approve the conduct of those French patriots, or could libel the former by comparing them with the latter.

Mr. Pitt concluded the debate with becoming seriousness and dig-

* See Mr. Burke's speech on the army estimates, at the beginning of the third volume of the quarto edition of his works.

nity; and with that reserve, on the discussions relating to France, which was highly proper to be observed by a minister on such a subject at such a time.—He expressed, however, his gratitude to Mr. Burke, in the strongest terms, for the able manner in which he had unfolded the principles and described the blessings of the British constitution.

Encouraged by the small majority which had rejected Mr. Beaufoy's motion, for the repeal of the Corporation and Test Acts, and not less so by the favourable opinion, which too generally prevailed, of the principles of the French revolution, which naturally engendered a spirit of innovation, and a contempt for ancient institutions, the Dissenters had exerted themselves, in every possible way, to secure fresh advocates to their cause, which they now resolved to trust to the management of that able parliamentary leader, Mr. Fox. On the second of March, that gentleman brought forward the question, and enforced his arguments with all the powers of his mind, and all the force of his eloquence;—indeed, on no occasion had the discussion of this important question brought forth such a brilliant display of talent, as was exhibited on the present. Mr. Fox contended, that religious tests were justifiable only upon a supposition that men, who entertained certain speculative opinions, would be led, by those opinions, to commit actions that were in themselves immoral and hurtful to society. Now it was unwarrantable, he maintained, to infer, *a priori*, and contrary to the professions and declarations of the persons holding such opinions, that their opinions would induce acts injurious to the commonweal.* To presume to judge of other men's opinions, and to know the consequences of them better than themselves, was the constant practice, and was of the very essence, of persecution.—Speculative opinions were, in his mind, no disqualification for the enjoyment of civil offices;—it would be absurd to think, that the Duke of Richmond was disqualified for the place of Master-General of the Ordnance, or Mr. Pitt for the

* Before the force of this argument could be admitted, it was necessary to come to some settled definition of what was injurious to the commonweal; for it is probable, that the Dissenters might think that a measure was highly conducive to its prosperity and interest, which others might consider not only as injurious, but as destructive, of both.

office of prime minister, because they were of opinion, that the present mode of representation was defective, and required amendment. And, for the same reason, he did not see why the church should be supposed to be in danger, though Dr. Priestley should be at the head of it.* The object of the Test-Laws, at first, had been to exclude anti-monarchial men from civil offices; but he reprobated such a procedure, as holding out false pretences, as leading to hypocrisy, and as imposing a restraint upon the good and conscientious only. Mr. Fox thought a direct monarchial test would be fairer and better; he treated the opinion, that the church might be endangered by a repeal of the acts, as worthy of ridicule. The only danger which the church had to apprehend, proceeded from the supine indolence of the clergy, and the superior activity and zeal of Dissenters in the discharge of the duties of their sacred functions. Having thus complimented the Dissenters at the expence of the clergy, he entered into an historical defence of them, and maintained that their political opinions were less inimical to the British constitution than those of the high churchmen.† The act of the 13th of Charles II. “for the well-governing and regulating corporations, &c.” and the act of the 25th of Charles II. “for preventing dangers which may arise from Popish recusants, &c.” having been read, Mr. Fox moved,—“That the House should resolve itself into a committee to consider of so much of the said acts as required persons, before they were admitted to any office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord’s Supper, according to the rites of the Church of England.”

The motion having been seconded by Sir Henry Hoghton, Mr. Pitt rose to oppose it. He had stated his objections to the measure on former occasions, and these objections having acquired fresh strength

* There would be precisely the same reason for supposing the church to be in danger, if Dr. Priestley were at the head of it, that there would be to suppose the Parliament House to be in danger, if *Guy Faux* were in the vaults beneath it.

† Had Mr. Fox forgotten that, without the aid of the *high-churchmen*, the revolution of 1688 would never have taken place, and the Prince of Orange would never have been King of England?

from reflection, he should now re-state them with greater force and confidence.—He expressed his obligation to Mr. Fox for his clear and candid statement of the precise object of the Dissenters, in their present application to Parliament; he had completely unravelled the mystery in which their views had been enveloped; and, in a plain, open, and manly, manner, had exhibited the full extent of his motion. The important question at issue now, was simply and plainly this:—whether the House ought, or ought not, to relinquish, at once, those acts which had been adopted by the wisdom of our ancestors, to serve as a bulwark to the church, the constitution of which was so intimately connected with that of the state, that the safety of the one was always liable to be affected by any danger which might threaten the other? He, for one, was clearly and decidedly of opinion, that we ought not to relinquish those great and fundamental principles upon which the prosperity of the state so much depended.

Mr. Pitt declared his concurrence with Mr. Fox, respecting the general principles of dissention and toleration; but he differed from him in his definition of the latter, which he had carried to an extent which, in his opinion, it would not bear. Toleration and equality were different things; toleration only consisted in a free exercise of religious worship, and in the enjoyment of the protection of the laws.—The Dissenters had a right to enjoy their liberty, and their property, to entertain their own speculative opinions, and to educate their offspring in their own religious principles. But the indispensable necessity of a certain permanent church establishment, for the good of the state, required that toleration should not be extended to an equality; for then the establishment would be evidently endangered. Upon the supposition that every class of Dissenters, agreeably to the extent of Mr. Fox's principles, were admitted to a full and complete equality of participation, those would be admitted who might conscientiously think it their duty to subvert the establishment, for not only Roman Catholics, but also Papists, who acknowledge the supremacy of a foreign ecclesiastical prince, were not to be excluded until the commission of some overt-act against the constitution. If this were once to be done, there would be an end, for ever, put to the wise policy of

prevention; and a dangerous door would be opened to the absolute ruin of the constitution. He was ready to admit, that no citizen of a free state ought to be subject to any punishment for his speculative opinions; nor should even the publication of them, with moderation and decency, fall under the cognizance of the civil power; but he contended, that the interest of individuals claiming pecuniary rewards, or lucrative employments, was very different from this, and that the public safety required such a species of security, for an establishment, as the Test-Laws prescribed.—Our very constitution had been saved by virtue of their sanction;—had it not been for such bulwarks of defence, the family of Stuart might have been then in possession of the Throne, and Mr. Fox have never had the opportunity of delivering those opinions in that House which they had that day heard. Although all cognizance of opinion might not be a warrantable ground of crimination, until the commission of some overt-act, yet he should ever contend, that an inquiry into, and a test of, a man's opinion, as the means of judging of his religious and constitutional principles, was highly expedient.

It had been represented, as an extreme absurdity, that a test of religious tenets should be exacted from persons about to hold the meanest civil offices, when there was no inquiry made into the religious opinions of members of Parliament.—The fact was otherwise: in the oath of abjuration, a religious test was imposed on the constitutional tenets of the legislative body. The oath against transubstantiation was purely religious, and the oath of allegiance was a civil and political test of loyalty and civil obedience. But to have no test of any kind was contrary to the genius and spirit of monarchy; much more, then, must the obligation of Test-Laws be necessary to a government like ours, where the monarchy is limited. Mr. Pitt insisted on the necessity of allowing, to the executive power, the exercise of a right of discrimination as to the fitness of individuals to occupy stations of trust, for which that branch of the government was always responsible. The general benefit of the community required the establishment of public offices; and, as a distinction in their distribution was always conducive to the same important service, the idea of right to civil offices

was highly absurd and ridiculous. There could be no foundation for such extraordinary claim, unless it were agreed that the offices in question were created more for the advantage of those who occupied them, than as a trust for the benefit of the public; and that their expences were to be provided for on the principle of a lottery, rather than out of the public treasury. While our constitution, however, had invested the executive power with the appointment of offices, the legislature had made a wise application of a limited monarchy, by restricting the supreme magistrate in the disposal of these offices.

Mr. Pitt now entered upon another branch of his argument, in which he placed the principle of the Test-Laws in a new point of view, for the purpose of shewing that, so far from their trenching on the liberty of the subject, as Mr. Fox and other advocates for their abolition had constantly insisted, they were framed for the express purpose of guarding that liberty against all danger,—from misconduct on the part of the Crown;—that their object was not the infliction of privations on individuals, but the imposition of restraints on the King; and that, without the existence of these laws, the revolution of 1688 would, in all probability, have never taken place, notwithstanding the boasted efforts of the protestant Dissenters to produce it. In illustrating this position, Mr. Pitt put the case of a pure democratical state, in which the officers of state were elective out of the general body, and in which the most complete equality existed.—He then supposed, that some form of religion, or superstitious ceremony, to be entertained and professed by a small part of the community, which might have a tendency to destroy the democratic equality, and, consequently, the constitution itself; and asked whether the majority, in such a state, would not be warranted in the exclusion of such an obnoxious party from the right either of electing, or of being elected, to fill offices of trust in the government?*

* It should, then, be recollected,

* The real case was still stronger than the supposed case, here put by Mr. Pitt; for the Dissenters from the established religion, in this country, had once destroyed the constitution, and murdered the King.—Where the deductions of experience thus confirm the inferences of theory, the argument becomes irresistible. In reference to this subject, a modern writer makes the following judicious remarks: “When there are several religions

that the Test-Laws, under discussion, were enacted with a direct view to the defence and preservation of our excellent constitution. They were to be regarded as a species of jealousy of the Monarch, which had never been considered as unconstitutional.—They had a direct tendency to check the influence of the Royal Prerogative, which was a circumstance never very unpopular in a free state; and he did not hesitate to say, that, if any distrust were to be entertained of either of the three branches of the constitution, the executive power ought to be its object.* The Test-Laws, by abridging the prerogatives of the Crown, in preventing the Sovereign from employing persons in offices of trust, who could not give a certain pledge, of security, of their attachment to the government, guarded against all danger and abuse from this branch of the legislature. The persons excluded by the

professed in a state, an alliance is made with one of them—with *that* which it is considered will best promote the public good; and full toleration is given to the rest, but under the restriction of a Test-Law, to keep them from injuring that which is established. This is necessary, because, among diversities of religion, where every one thinks his own the most pure, every one aims at rising on the ruin of the rest; which is called, bringing into conformity with itself. The manner of doing this is, to endeavour to get into the public administration, in order to apply the civil power to effect it.—This was the conduct of the early puritans, about the end of Queen Elizabeth's reign, who attempted to make their discipline national, in spite of the civil magistrate: if one single sect cannot overturn the established religion, others will join in confederacy against it.—In this danger, the church naturally calls upon the state to make laws for her security; whereby the entrance into the administration and situations of influence and power are shut to all, but members of the established church;—and it should never be forgotten, that, for want of such laws, the sectaries, in the time of Charles I. subverted the Church and Constitution of England;—but as soon as the government was restored, and placed upon its old foundations, the legislature made Test-Laws, to prevent a repetition of similar calamities.”—*Remarks on the Alliance between Church and State, and on the Test-Laws, by the Rev. Richard King, M. A.*

* Apprehension of danger, where no charge of misconduct exists, is the only legitimate ground of distrust.—The justice of Mr. Pitt's principle, therefore, can only be ascertained by its application.—History informs us, that at one time the Crown, at another the House of Commons, has endangered the constitution; and, therefore, it is the conduct alone, of either one or the other, that must excite, or can justify, distrust. Montesquieu, in his speculative book upon laws, has somewhere observed, that the constitution of Great Britain will not be destroyed until the legislative power (meaning the Parliament) shall become more corrupt than the executive.—Whatever sagacity may be described in the observation, it appears certain that, in these times, more danger is to be apprehended from the corruption of the one, than from the tyranny of the other.

Test-Laws from civil offices lay under no kind of stigma, in his opinion, more than those who were necessarily kept out of that House, or from voting at an election, in consequence of their disqualification by statute, from the exercise of elective rights. It was a common policy which obtained in private life, for no man to admit another to the management of his affairs, whose principles he did not approve,—and the same policy should prevail in states.—The exclusion of the Dissenters, therefore, from civil offices, from a disapprobation of their political sentiments, could be no usurpation in the government.

Mr. Pitt disclaimed the idea of deciding a public question of such importance as this, by the merits or demerits of individuals.—Yet the conduct of the Dissenters appeared to him liable to just reprehension; for, at the very time when they were employed in the reprobation of the test, when they were loud in their complaints, and were appealing to the legislature for redress of their grievances, they discovered intentions of forming associations throughout the country, for the sole purpose of imposing a test on the members of that House, of whose fitness and competency to discharge their parliamentary duty they were to judge from their votes upon this single question.—Notwithstanding the eloquent dissertation of Mr. Fox, on the excellence of toleration, Mr. Pitt was by no means certain that the description of men, whose cause he had so ably pleaded, would be eminently distinguished for their candour, moderation, and tolerance, should they succeed in their application.—And their recent conduct, in the imposition of a Parliamentary test, afforded fair grounds for belief, that little display of those qualities was to be expected from them.

In concluding that part of his argument which related to the question of *right*, Mr. Pitt observed, that he had no idea of such levelling principles as those which warranted to all citizens an equality of rights; as if the whole property, under the control of government, were to be distributed, in equal proportions, among the public again. The appointment to offices rested with government, which no citizen could claim as a right, the Dissenters ought not, therefore, to consider

themselves, by the operation of the Test-Laws, as debarred from any right to fill official situations under government, nor ought their exclusion to be regarded as any stigma upon them, since the government, in concurrence with the majority, are of opinion that none ought to be admitted to civil employments, except members of the establishment. To ascertain this important circumstance, without exacting either promise or obligation from any individual of the community, the Test-Laws were enforced.

Mr. Pitt next proceeded to try the merits of the question, on the ground of policy and expedience;—and here he considered the necessity of an established church, and the danger to which it would be exposed by the repeal of the Test-Laws.—Without intending to cast any reproach upon the Dissenters, who were, undoubtedly a respectable body, he supposed it extremely probable that they might exercise their power, when obtained, to the subversion of the present establishment. Their conduct would not be reprehensible for acting upon the principles which they professed; for it became their duty, as honest men, regarding, as they did, the established church, as “sinful and bordering on idolatry,” to act a conscientious and consistent part, by exercising every legal means in their power for its subversion. To grant these parties such power, by a repeal of the Test-Laws, as would endanger the establishment, was highly impolitic. Such a national establishment of religion as ours was capable of rendering essential service to the State, it was, therefore, entitled to the vigilant protection and support of the State in return. A national religion was calculated to meliorate the morals of the people, especially when its form was congenial with the civil constitution of the country.

The essence of policy consists in the general good of the public;* where the rights and interests of individuals, therefore come in compe-

* Not only all sound policy, but true *religion*, on which, indeed, all policy ought to be founded, is intended to promote the general good of the public. One of the most venerable defenders of Christianity, (Chrysostom) describes this to be its leading object:—“*Hæc est Christianismi regula, hæc illius exacto definitio, hic vertex supra omnia eminens, PUBLICÆ UTILITATI DEDICATIO.*”

tition with those of the public, policy claims a precedence, even of justice. Admitting the Dissenters to endure some practical inconvenience from the Test-Laws; yet, if the general good, and the public safety, demanded such sacrifices, as Mr. Pitt maintained they did, their appeal to the legislature for redress, in the nature of justice, ought to be rejected.—But it had been contended, that no danger whatever could possibly arise to the Constitution, either in Church or State, from a simple repeal of the Test-Laws, and that the Dissenters would rest satisfied, and would trouble the legislature for no farther indulgence, provided the prayer of their present petition were granted. Mr. Pitt assured the Dissenters, that he would never refuse them any right which belonged to them, nor withhold from them any regulation, which did not seem attended with any dangerous consequences; but as the object of their application did, in his opinion, warrant a sufficient ground for apprehension and alarm, it was the duty of the House, as the faithful guardians of the constitution, to watch and repel the danger in due time. The Dissenters had, as the House would recollect, succeeded in their application about fourteen years before, and obtained what had been considered as a completion of their toleration.—It was then declared, by their advocates in the House, and by their friends out of it, that the Dissenters intended to proceed no further, if they only obtained the relief which they then solicited; and Dr. Kippis, a man of no inconsiderable rank and esteem among them, in his letter upon the subject, declared that, after obtaining the toleration in question, they would ask no more of the legislature, but would retire, grateful and content, to their books and closets, impressed with a becoming sense of the great indulgence with which they had been favoured. He could not, then, trust to their assurances, that they would now be satisfied, if they gained their point, and would proceed no further, for they had violated their promise; and, from their professions, there was no means of judging with what they would be satisfied. If the House should, in compliance with their wishes, consent to the repeal of the Test-Laws, who could tell but their next application would be for an exemption from church-dues—to which every argument advanced in support of the present question would equally apply. Now, an established religion had been admitted as

necessary, useful, and advantageous to the civil government of a State; such an establishment ought, therefore, to be protected and supported by the government; and its expence should fall equally on all the members of the general community, in a certain proportion. For these reasons, he concluded that a repeal of the Test-Laws could not take place, consistently with the safety of the church, the security for which had not commenced at the Revolution, as Mr. Fox had stated, but had been in existence long anterior to that date; and had there not existed such bulwarks of defence, previous to the Revolution, that memorable event itself had never taken place.

Mr. Pitt lastly considered the example of Ireland, Scotland, France, before the revocation of the edict of Nantz, and America, which had been cited by Mr. Fox, in support of his arguments; and proved that the situation of those countries was very different from that of England, and that any arguments, therefore, to be derived from their conduct, were not applicable to the present question. The Test-Laws had been declared inefficacious and nugatory, as the legislature had been obliged to pass, every session, an act of indemnity. If the fact were so, what became of the ground of complaint on the score of oppression?—For, from Mr. Fox's own admission, it was obvious that the laws were not enforced. Although the temperate forbearance of the government, displayed in the non-execution of the laws, was truly laudable, when the danger was neither imminent nor alarming to the church, the security and permanent safety of which was their object; yet, to repeal the laws in question, because their execution was not always necessary, would be impolitic in the extreme; as the legislature, in thus suffering the remedy for such danger to depart from their hands, might not be able, very easily, to recover such salutary influence, as might suffice to stem the torrent of danger in the hour of emergency. So far was he from agreeing with Mr. Fox, that no danger whatever was to be apprehended, that he could easily conceive a man, with all his abilities, but without his integrity of principle, who, influenced by ambition and corrupt views, might exercise his powerful talents in rousing the disaffected to an attack upon the church. Would there not, he asked, in that case, be real danger?—There certainly

would. To guard against danger to the constitution, however distant, was the indispensable duty of every member of that House, but of none more than of a person in the situation which he had the honour to hold, with whom the safety of his country ought ever to be his principal object.

Mr. Burke concurred both with Mr. Fox and Mr. Pitt, in their general notions of toleration, and further declared, that, had the repeal of the Test-Laws been moved ten years before, he should probably have voted for the motion ; but he had the strongest reasons for believing that many of the persons, who now stood forward in the application for relief, were men of factious and dangerous principles, actuated by no motives of religion or conscience to which toleration could, in any rational sense, be applied. He then remarked upon the danger and absurdity of a recurrence to abstract original rights in determining civil regulations, upon their incompatibility with each other, and upon the advantage which men derived, in exchange for the rights of nature, from the establishments of civil society, and of its necessary concomitant, religion. Admitting, with Mr. Fox, that men should not be judged merely by their speculative opinions,* but, by their opinions and conduct taken together, he should, by this last criterion, judge how far the petitioners were entitled to the indulgence which they solicited ; he should judge by their acts, their declarations, and their avowed intentions. He then proceeded to read to the House several publications, and other papers of the Dissenters, in order to prove the truth of his assertions. Amongst these was a catechism, expressly adopted by some of the Dissenters, and not condemned by any, which, instead of inculcating the doctrines and duties of revealed religion, was filled with the most impu-

* " If it be said, that men would content themselves, as in reason they should, with enjoying their own opinions, without obtruding them upon others, those evils, which require the remedy of Test-Laws, would never happen.—This is perfectly true ; and *if* men would but observe the rule of right in general, there would be no need to have recourse to civil society to rectify the abuse of it ; and *if* all mankind were good Christians, there would be no need of any laws, for then there would be no crimes. But we must not be deluded by the idle dreams of folly or enthusiasm ; we must take man as we find him, and as he has been for near 6000 years."—*King on the Test-Laws.*

dent attacks on the national establishments, and with the most outrageous invectives upon Kings and Bishops. Another document which he produced, was a letter from a Mr. Fletcher, a Dissenter, written from a meeting of dissenting ministers, holden at Bolton, in Lancashire. Here Mr. Fletcher stated, that such violent principles were broached at this meeting, that he would not stay, but left it in company with some other moderate men. It affirmed, that one member, having been asked what the object of the meeting was, and whether it was intended to seek for any thing beyond the repeal of the Test and Corporation Acts, answered, in the language of our Saviour,—“ We know those things which ye are not yet able to bear.”—And, on another member saying “ Give them a little light into what we intend,” they informed him that they did not care the nip of a straw for the repeal of the Test and Corporation Acts ; but that they designed to try *for the abolition of the Tithes, and of the Liturgy*. Mr. Burke afterwards read several extracts from the well-known works of Doctors Price and Priestley, expressive of their hostility to all establishments ;* of their persuasion that those of religion were sinful and idolatrous, and of their determination to proceed, step by step, till they were demolished.

It is well calculated to excite astonishment, that, after this clear and full developement of the views and designs of the Dissenters, *one hundred and five members* of the House of Commons should have voted for supplying them with the power of carrying their plans into effect.—*Two hundred and ninety-four* members, however, had the good sense to oppose their machinations, and to silence their claims.

Soon after the decision of this important question, another was submitted to the House by Mr. Flood, the Irish orator, the object of which was to produce a change in the system of representation.—The principle which Mr. Flood laid down, as the ground of his argument, was this ; that as the whole nation were bound to abide by the decisions of the ma-

* It was this description of men which Lord Bolingbroke had in his eye, when he truly observed.—“ Some men there are, *the pests of society I think them*, who pretend a regard to religion, in general, but who take every opportunity to declaim, publicly, against that system of religion which is established in England.”—*Dissertation on Parties*.

jority, the representatives of the nation should be chosen by a majority of the people;—and that if this were not the case, the people were not represented at all. The proposition was novel, but not very intelligible; nor was it rendered more so by the arguments which Mr. Flood employed to illustrate it. The remedy which he suggested, for the alleged evil, was the addition of one hundred members to the House of Commons, to be chosen by the resident householders in every county.

The motion, for leave to bring in a bill for carrying this notable plan into effect, was opposed by Mr. Windham, who contended that, before Mr. Flood undertook to provide a remedy, he ought to have proved the existence of the evil. He had demonstrated, indeed, by an arithmetical calculation, that the representation was unequal, which nobody denied; but he had failed to substantiate his assertion, that it was inadequate. He seemed to have confounded the end with the means. Experience had shewn, that the representation was not inadequate, but that the House of Commons, constituted as it was, answered all the beneficial purposes that could possibly be desired. This was a case in which we might lose every thing, and could gain nothing. The liberty of the country stood in no need of speculative security,—it could not be better secured than it was.

After exposing the absurdity of attempting to prove the necessity of a Parliamentary Reform, from the support which the Parliament had given to the American war, which Mr. Windham truly described as the war of the people, he stated his objections to the principle of the proposition to be not more strong than those which he entertained to the time at which it was brought forward. Would Mr. Flood, he asked, advise them to repair their house in the hurricane season? Speculatists and visionaries enough were at work in a neighbouring country; there was project against project, and theory against theory: *frontibus adversis pugnantis*: he intreated the House to wait a little for the event, and in the mean time to guard with all possible care, against catching the infection.

Mr. Pitt complimented Mr. Windham on the ingenuity and wisdom

he had displayed, which left him only to observe, that the proposition which he had himself brought forward, some years before, had been successfully opposed, although the times were then much more favourable than they were now: The chief objection then urged, was the danger of innovation, and it was a knowledge of the impression which that argument had made, that had rendered him desirous of waiting till some more favourable moment than the present should offer itself, when he certainly meant again to submit his ideas on the subject to the House.—If pressed to a vote on the question, he must give his negative to the proposed plan; and, even if it were his own proposition, he should act in the same manner, feeling that the case of reform might suffer disgrace, and lose ground, from being brought forward at an improper moment. Mr. Flood's motion was supported by Mr. Fox, who denied the assertion of Mr. Windham respecting the American war, and was further opposed by Mr. Burke, who defended and confirmed Mr. Windham's representation. Mr. Flood, finding the sense of the House decidedly against him, withdrew his motion.

During the remainder of this session little occurred, but subjects of revenue, to fix the attention of Parliament. Mr. Sheridan, who appears to have selected topics of this nature for the periodical display of his oratorical talents, now stood forth the champion of the manufacturers of tobacco, with a view to obtain a repeal of the law passed the year before, for subjecting that article to the operation of the excise. His arguments, however, were directed against the whole system of excise laws,—against which he inveighed with all the poignancy of wit, and with all the strength of eloquence, omitting none of the arguments usually employed on the subject.—He dwelt much upon the grievances which were set forth in the numerous petitions of the manufacturers, which laid on the table of the House, asserted that, notwithstanding the new regulations, aided by an additional duty, only £25,000 more had been produced to the revenue, than had been previously collected by the tax on tobacco, and concluded by moving, “That the survey of the excise is inapplicable to the manufactory of tobacco.”

Mr. Pitt observed, that the system against which all the arguments of Mr. Sheridan had been directed, was one from which the nation derived no less a portion of the annual revenue than six millions and a half; and he expressed his belief that, without such a system, neither the resources of the country, nor the ingenuity of man, would be competent to raise so considerable a sum. But though the arguments of Mr. Sheridan extended to the general system, his motion was confined to the excise on tobacco. He was willing to leave the manufacturer of malt, the manufacturer of soap, the manufacturer of starch, the manufacturer of candles, and the dealers in wine and spirituous liquors, subject to all that intolerable tyranny and oppression which he had described with so much energy, and with so much eloquence. If the Tobacco Act were to be discussed on general principles, Mr. Pitt did not see how the objections to it, on constitutional grounds, could apply to it more than to any other excise bill, passed at any former period; and, therefore, as Mr. Sheridan had stopped short, and confined his motion to a single object, his general argument was inconsistent and contradictory. He then cautioned the House against receiving, with implicit credit, the evidence taken at the bar, from persons materially interested in leading them astray. Mr. Sheridan had himself stated that, before the late act, the manufacturers were the only channel of conveyance, for the illicit tobacco, from the smuggler to the consumer; taking this, then, for granted, and coupling it with the admission of the tobacconists themselves, that eight millions of pounds were annually smuggled, the inevitable consequence was, that, for years, they had divided among them £400,000, of which sum the revenue had been defrauded;—and, if an average could be taken, it would appear that the annual plunder, received by each individual, exceeded one thousand pounds. The House being in possession of ~~the~~ notorious and direct fraud, it could not be too much to ask them to weigh well the evidence before they determined against the remedy already provided for the evil. During the existence of the act the consumption had very considerably increased, which was a conclusive answer to, and a complete refutation of, the assertion, that the act was likely to drive the manufacturer from the country. The public

had already, in the two last productive quarters of the year, received £130,000, over and above the wonted amount of revenue from tobacco, in the same quarters, before the act passed; and, in all probability, the difference on the next two quarters of excise, would make the whole amount of the difference £300,000, at the least. A debate of some length ensued, in which the prejudice against the system of excise appeared to have considerable influence, for, on a division, the motion, which was altered from its original purport, and was now made for leave to bring in a bill for the repeal of the Tobacco Act, was rejected only by a majority of *forty-four*, one hundred and forty-seven having voted for it, and one hundred and ninety-one against it. An act was afterwards brought in, and passed, for amending the former act, of the preceding year, for the purpose of relieving the manufacturers of tobacco, from some of the hardships which it imposed upon them.

On the 15th of April, Mr. Pitt opened the budget for the current year, when he drew a very flattering picture of the prosperous state of the revenue.—He stated the growing surplus of the consolidated fund, taken upon an average of the three last years, which would give an average of half a million less than the produce of the last year, to amount to £1,903,000; to which was to be added an increase on taxes, not taken into that estimate, amounting to £60,000. He took for balances of arrears, £100,000; and, for an increase on the tobacco duties, another £100,000. He was sanguine in his expectation of the produce from the arrears of assessed taxes, which in the last year amounted to £240,000 over the permanent assessments; there still remained outstanding arrears to the amount of £600,000, which were to be gradually called in; and, from the exertions made for that purpose, he conceived he might justly reckon upon £150,000 being received during the present year; all which sums, added together, presented a total of ways and means of £5,996,000, which was more than sufficient to meet the supply, and afforded fair ground to estimate the growing produce of the consolidated fund, for the ensuing year, at £2,300,000. He then proceeded to enumerate the extraordinary expences which had been defrayed since the year 1786, (amounting in

the whole to six millions) with the assistance only of one loan of a million, raised the year before. The increase of revenue to which the public were indebted for the ability to meet these various charges, he considered as permanent, and as originating in two grand causes,—the suppression of smuggling, and the increase of the commerce of the country. The exports, as valued by the custom-house entries, amounted to no less than £18,513,000; of which the British manufactured goods exported amounted to £13,494,000;—upon an average of the exports, six years prior to the American war, when our commerce was most flourishing, the British manufactured goods exported amounted to no more than £10,342,000. The imports for the year 1789 amounted to a larger sum than was ever before known, being valued at £17,828,000.—This increase of imports, far from justifying the inference which, at first sight, might, naturally enough, be drawn from it, arose from circumstances demonstrative of the increase of the wealth and prosperity of the country; it arose from remittances of fortunes from the East and West Indies; from the increase of importations from Ireland, which was a proof of the increasing prosperity of that valuable part of the empire; from the Greenland and South Wales fisheries, the imports from which were to be considered as adding to the stock of the country, being wealth poured in from the ocean. Our navigation had increased in proportion to the increase of our commerce. In the year 1773, there belonged to the British ports 9,224 vessels, and 63,000 seamen; and in the year 1788, 11,085 vessels, and 83,000 seamen; shewing an increase of seamen, in the course of fifteen years, of no less than twenty thousand, or nearly one-third of the whole number.—In contemplating this improved state of the country, and this extension of the sources of its prosperity, Mr. Pitt most naturally referred to the excellence of our constitution, as the ~~and~~ animating cause, under Providence, of the whole;—and emphatically called upon the House to regard it as their most sacred duty to maintain it inviolate, and to defend it against all innovations.—The arguments and statements of Mr. Pitt were questioned by Mr. Sheridan, who displayed his usual acuteness in arithmetical calculations, in order to convert a gain into a loss, and a surplus into a deficit. The burden of his song was, that there existed a plain defi-

ciency of one million ; but he failed in his efforts to render the matter as plain to the House as he stated it to be to himself ; and no resolutions were passed in confirmation of his objections.

While the wise plans adopted by Mr. Pitt, for the improvement of the revenue, thus began to produce their beneficial effects, and to extend to the most remote portion of the British territory ; (for the corresponding system of policy adopted in the east was now proved, by the satisfactory statements of Mr. Dundas, to have raised our dominions, in that quarter of the globe, to a state of comparative prosperity ;) and while the profitable occupations of peace thus afforded the most salutary and effective remedy, for the evils of war, a cloud overcast the political horizon, appearing to indicate an approaching storm. About the beginning of the year 1786, certain merchants, under the immediate protection of the East India Company, desirous of opening a trade with the north-west coast of America, for the purpose of supplying the Chinese markets with furs and ginseng, communicated their design to the Governor-General of India, Sir John Macpherson, who joined in the subscription for carrying it into execution, and two vessels were purchased for carrying on this trade, and entrusted to the command of Mr. Mears, who had been a lieutenant in the British Navy.—One of these vessels was lost ; but the other, the *Nootka*, on board of which Mr. Mears had embarked, reached the place of her destination in safety ; wintered in Prince William's, or Nootka Sound, carried on an extensive trade with the natives, and, having collected a valuable cargo of furs, repaired to China in the autumn of 1787.

Encouraged by the success of this first expedition, other ships were purchased by the merchants, and, in June, 1788, having returned to the place of trade, at Nootka Sound, Mr. Mears purchased, from Maguëla, a native chief, a piece of ground, on which he built a house, and on it hoisted a British flag, surrounding it with a breast-work, and fortifying it with a three-pounder. Mr. Mears now entered into negotiations with different chiefs, by whom he was promised the advantage of an exclusive trade, with permission to erect whatever buildings he might find necessary for his convenience ; and, of one

of them, he purchased a tract of land, of which one of his officers took possession in the King's name. Having thus established a free intercourse with the natives, and secured, as he thought, the means of maintaining it, Mr. Mears engaged with other British merchants, increased his capital, and extended his trade. But, on the 6th of May 1789, a Spanish ship of war, of twenty-six guns, named the *Princessa*, Don Martinez, commander, arrived at Nootka Sound, and, after some hypocritical indications of a friendly disposition, and exchanges of civilities between the Spaniard and the captain of one of the British trading vessels, the *Iphigenia*, then lying there, the former having been joined by another ship of war, took forcible possession of the *Iphigenia*, and seized upon the lands purchased by the British, and a temporary habitation which they had erected there, in the name of the King of Spain, pulling down the British colours, and hoisting the Spanish colours in their place. All the British were made prisoners, and sent on board the Spanish ships, where they were put in irons. The pretext for these acts of violence was, *that all the lands comprised between Cape Horn, and the 60th degree of North latitude, belonged to his Catholic Majesty*. Don Martinez then proceeded to build store-houses, and to erect batteries, and he compelled some of the crew of the *Iphigenia* to work at them, severely punishing those who attempted to resist. Three other British vessels were afterwards seized in the same violent manner; their cargoes confiscated, and their crews made prisoners. During the whole of this transaction, the conduct of Don Martinez was that of a pirate, who renders force the instrument of his avarice, in the gratification of which all the laws, and usages, of civilized nations, as well as the ties of humanity, are totally disregarded.*

The first intimation which the British Cabinet received of these transactions came from the Spanish Ambassador, who requested, at the same time, that means might be taken to prevent the subjects of his Britannic Majesty from frequenting those coasts which he alleged to have been previously occupied by the Spaniards. He also accompanied his communication with another complaint of the fisheries

* These particulars are taken from the memorial presented by Mr. Mears, to Mr. Secretary Grenville, in which a full detail of the transaction will be found.

carried on by the British subjects, in the seas adjoining to the Spanish continent, as being contrary to the rights of the Spanish Crown. Not a moment was lost by his Majesty's ministers, in demanding adequate reparation for the injury committed on his subjects, and ample satisfaction for the insult offered to the nation.

The business was communicated to the House of Commons, on the 5th of May, in a message from his Majesty, delivered by Mr. Pitt, who, with the concurrence of the House, fixed the next day for taking it into consideration. He then observed, that natural as it was to look with concern, upon the circumstances stated in the message, and upon the possible occurrences to which they might give rise, he should not do justice to the feelings and public spirit of the House, were he, for a moment to entertain any idea that there could exist any difference of opinion as to the measures which such circumstances would render it necessary to adopt. There could be no occasion for him to enlarge upon the facts, the bare mention of which was sufficient to ensure the concurrence of the House to the address which he proposed to move. His Majesty's subjects had been forcibly interrupted in a trade which they had carried on, for years, without molestation, in parts of America where they had an incontrovertible right of trading, and in places to which no country could claim an exclusive right of commerce and navigation ; this interruption had been made by a seizure of two ships, their cargo, and companies, without any previous notice : the officers and crews of these vessels had been carried to a Spanish port, as prisoners of war, and the cargoes of the vessels appropriated to the use of the captors, without even the form of condemnation or judicature, which had always been deemed necessary even in times of war. The statement of these facts was sufficient to induce a British House of Commons to demand ample restitution to the individuals injured, and full satisfaction to the nation for its insulted honour. One of the vessels, indeed, had been delivered up by the Viceroy of Mexico, but no satisfaction to the nation had thereby been given ; on the contrary the court of Madrid had advanced a claim to the exclusive right of navigation in those seas, which was unfounded and exorbitant ; indefinite in its consequences, aiming destruction at our valuable fisheries,

in the southern ocean, and tending to the annihilation of a commerce in its infancy, which we were just beginning to carry on to the profit of the country, in hitherto unfrequented parts of the globe. It was, therefore, necessary, and incumbent upon the nation, to adopt such measures as might prevent any such disputes in future. When, in addition to this conduct, on the part of Spain, the House were also acquainted, by the message, of the vigorous preparations making in the different sea-ports of that kingdom, there could not be a doubt of the propriety of preparing to act, with vigour and effect, in support of the honour of his Majesty's crown, and of the interests of his people. At the same time, Mr. Pitt expressed his conviction that the House would heartily concur with his Majesty in the wish that the present dispute might be brought to an amicable termination, and that we might not be driven to the necessity of having recourse to measures of hostility. He then moved an address, conformable to the sentiments which he had delivered in his speech, promising his Majesty the most cordial support in the vindication of his rights, in case all efforts, to produce an amicable accommodation, should fail.

Mr. Fox having expressed a wish that the message had been more full; and that Mr. Pitt had not, a short time before, holden out the strongest assurances of a continuance of peace to the country, at a time when it was generally known that great armaments were preparing in the ports of Spain; and, by that means, increased the disappointment and alarm which the prospect of war now produced, Mr. Pitt replied that he was mistaken in his statement of the circumstances to which he referred. So far from knowing every thing which was now known, at the time when he had opened the budget, the very reverse of the fact was the case. Ministers knew nothing of the circumstances of the case, but what they had learned from the Spanish Ambassador, whose communication was extremely vague and general, and related only to the capture of one of the vessels, and that without the particulars. Mr. Fox had said, that we then knew the whole of the Spanish claim; whereas we had no distinct knowledge of it till a period subsequent to the budget. Neither had the naval preparations of Spain been known till within a few days. If Mr. Fox had known, as he asserted, of the

Spanish armaments for months, how happened it that, in the course of the present session, he had argued on the propriety of diminishing the forces of the country, and had expressly contended, that we had nothing to apprehend from the court of Spain.

The address was carried unanimously; but various papers were moved for, in order to substantiate grounds of censure against Mr. Pitt, for having holden out delusive hopes to the country. These motions, however, produced nothing but some strong debates, in which much personality was introduced. The Lords joined with the Commons, in supporting the Crown against the unjust aggressions, and unprovoked violence of Spain; and the voice of the country was loud and unanimous in expressions of resentment, and in demand for satisfaction. Soon after, the House of Commons passed a vote of credit for one million, to empower the Minister to execute such measures as the exigency of the case might require, and as, at all events, would enable him to negotiate in a firmer tone, and with greater advantage.

On the 11th of May, Mr. Pitt again introduced to the House of Commons, the subject of the American claims, when he moved a further grant of £224,000 to the commissioners, and the sum of £32,000 for the indemnification of particular losses, sustained by persons, inhabitants of the United States. Some of these had suffered most severely by a conduct which afforded them the strongest claims to the munificence of this country; and it was found, on enquiry, that they had only been restrained from making personal application for compensation, by their total inability to obtain the means of leaving America. The sums for which Mr. Pitt moved were granted without opposition; and on a subsequent day, the 14th of May, he called the attention of the House to the singular case of the Penn family, whose losses had been estimated, by the commissioners, at half a million. The state of Pennsylvania, in gratitude for the services which the family had rendered to that country, had resolved to pay them £150,000 by instalments; but, hitherto, they had received no more than £11,000. Mr. Pitt now proposed to grant them a perpetual annuity of £4,000. Some members were of opinion that this grant would be too small; it appearing,

however, to the majority of the House, that it was sufficient, it was voted. While this just mark of respect was paid to persevering loyalty, a debt of gratitude was discharged by the House, originating in a similar motive, and founded on a similar principle, in the grant of an annuity of £1000 to Dr. Willis, for his unremitted and successful attention to his Majesty, during his late illness. These, and some other arrangements of the same nature being concluded, the session was terminated on the 10th of June, when his Majesty informed his Parliament, that he continued to entertain the strongest desire for the maintenance of peace, on just and honourable grounds; but that, under the present circumstances, he felt it indispensably necessary to proceed, with expedition and vigour, in those preparations which had already received their unanimous concurrence. He then apprized them of his intention, immediately to dissolve the present Parliament, and availed himself of the opportunity for briefly describing the important effects of their labours, as displayed in the rapid increase of the manufactures, commerce, and navigation; in the additional protection and security afforded to the distant possessions of the empire, the provisions for the good government of India, the improvement of the public revenue, and the establishment of a permanent system for the gradual reduction of the national debt;—all which afforded unequivocal proofs of the resolution of Parliament, in encountering the difficulties with which they had to contend; and of their steadiness and perseverance in those measures which were best adapted to promote the essential and lasting interests of the kingdom.—The Parliament was dissolved, by proclamation, the very next day.

The most active preparations were now made for compelling the Court of Spain to comply with our just requisition of satisfaction for the injuries and insults which she had committed. Meanwhile, Mr. Fitzherbert was sent to Madrid, with full powers, to settle the dispute between the two countries, the peremptory tone which Great Britain had assumed, was imputed by Spain, not to the feelings of offended dignity and violated justice, but to some lurking enmity, and some secret designs, which she did not choose to avow. Spain attempted to justify her conduct by a public declaration, which was transmitted to

all the Courts of Europe. This was followed by a memorial addressed to the British ambassador, by the Count de Florida Blanca, the Spanish minister, in which all the proceedings consequent on the capture of the vessels at Nootka Sound were recapitulated, as proofs of the pacific disposition of the King of Spain; but the restitution of the ships was considered as, at once, a sufficient satisfaction for the injury committed, and as a full and proper termination of the whole affair; while the *right*, on which the transaction was originally justified, was still maintained in its full force. In his answer, Mr. Fitzherbert observed, that, as a wanton and unprovoked act of violence had been committed on the persons and property of British subjects, his Sovereign was bound to insist, as a preliminary condition, upon a prompt and suitable reparation for those acts; and, in consequence of this principle, the practice of nations had limited such right of reparation to three articles:—1st. The restitution of the vessels;—2d. A full indemnification for the losses sustained by the parties injured;—and, 3d. A satisfaction to the Sovereign for the insult offered to his flag. In order to prevent all misconception of the nature and extent of the satisfaction thus required, Mr. Fitzherbert added, that if his Catholic Majesty would consent to make a declaration in his name, bearing in substance, that he had determined to offer to his Britannic Majesty, a just and suitable satisfaction for the insult offered to his flag;—such offer, joined to a promise of making restitution of the captured vessels, and to indemnify the proprietors, would be regarded by his Britannic Majesty as constituting in itself the satisfaction demanded; and his Majesty would accept of it as such by a counter-declaration on his part.

In the terms of accommodation here proposed, there was nothing injurious to the feelings, or offensive to the dignity, of the King of Spain. But as the Court of Madrid entertained hopes of interesting the French government, on whom it had formally called to fulfil the conditions of the memorable treaty concluded at Paris in 1761, and known by the denomination of THE FAMILY COMPACT; it returned an evasive reply to the demands of the British government. The National Assembly of France, however, who were, in fact, the virtual

sovereigns of that country, did not find it expedient to go to war with England, at this particular juncture; and, although they resolved to fulfil, and to renew, the existing treaties with Spain, and *decreed* that the navy should be increased to forty-five ships of the line, they afforded no encouragement to his Catholic Majesty to persevere in his resistance to the claims of justice. Accordingly, before their decree had passed, the Spanish government, well convinced that they had little to expect from the assistance of their old ally, consented to the terms originally proposed by the British minister; and a declaration, and counter-declaration, in strict conformity therewith, were signed by the Count de Florida Blanca and Mr. Fitzherbert, on the 24th of July.—And, on the 28th of October following, this dispute was brought to a happy termination, by a formal convention; by which every thing was placed on the same footing on which it stood previous to the capture of the British vessels at Nootka Sound. The full liberty of trade on the North-west coasts of America, and the right of fishing in the Pacific Ocean, and in the South Sea, were acknowledged and confirmed to Great Britain. Both nations were restricted from establishing any settlement nearer to Cape Horn than the most southerly of the existing Spanish settlements. England consented to restrict her subjects from carrying on any illicit trade with the Spanish colonies;—reparation was made to the individuals who had suffered by the hostile acts of Spain; and it was finally agreed, that, in the event of any future difference, no act of hostility should be committed, but that it should be referred to the respective Courts, to be amicably settled.

The news of this accommodation reached England in November, where it occasioned a lively sensation of joy.—The city of London thought it of sufficient importance to form the subject of a congratulatory address to the King,—and the minister had the satisfaction of asserting the disputed rights of the country, and of vindicating her insulted honour, without the necessity of recurring to measures which must have essentially interfered with his favourite plans for the improvement of the revenue, and the reduction of the national debt.

CHAPTER XV.

Proceedings of the National Assembly of France—Declare the old Laws to be in force until new Laws shall be enacted—Dissent of the People from such Declaration—The will of the people, or rather the will of the Parisian populace, becomes the law of the Nation—Riots ensue—Hopes raised by Neckar's promises dissipated—Distresses of the Country—Enormous deficit—Assignats issued on the security of the Estates of the Church, which are ordered to be sold—Offer of the Clergy to supply the sum required rejected by the Assembly—The Public compelled to receive Assignats at par—Titles and Armorial Bearings suppressed on the motion of Charles de Lameth and Matthew de Montmorenci—Conquerors of the Bastille rewarded by the Assembly, but resign the honours proposed to be conferred on them—A Deputation to the Assembly from all the nations of the Earth—Anacharsis Clootz, a Prussian vagabond, orator of the Deputation—Favourably received by the Assembly—Curious Anecdote of this Deputation—The King resolves to put himself at the head of the Revolution—Communicates his resolution to the Assembly—Weakness and inefficacy of this Attempt—Robespierre becomes conspicuous—Marat excites the People to Rebellion—Seditious language of Camille Desmoulins—Proposal of Mr. Malouet, for prosecuting these Libels, first adopted, and afterwards defeated—Amnesty passed for all Revolutionary Crimes—Motions for a similar Amnesty, for all persons accused of opposing the Revolution, rejected—Tumult in the Assembly excited by a Speech of the President de Frondeville—The President prints his Speech—Is imprisoned in his own House, by order of the Assembly—Reflections on this Transaction—The Duke of Orleans, at the Instigation of his Mistress, sends a Challenge to M. de Frondeville, but dares not meet him—Neckar, alarmed for his safety, flies from the Capital, and leaves the Kingdom—Opening of the new Parliament of England—The King's Speech—Debates on the Convention with Spain, which is censured by Mr. Fox—Supported by Mr. Pitt—Mr. Pitt proposes means for defraying the Expences of the late Armament—Mr. Burke's Motion respecting the Impeachment of Mr. Hastings—Mr. Pitt's Speech—He defends the Rights and Privileges of Parliament—Contends that an Impeachment by the Commons is not abated by a dissolution—Examines the Question on the grounds of Precedent—Of the practice of Parliament, and of Judicial Decisions, and the Opinions of eminent Lawyers—Animadversions on the mode of Prosecution by Impeachment, and on the Judicial Power exercised by the House of Commons—The House resolve, by a great majority, to proceed with the Impeachment of Mr. Hastings—Mr. Burke proposes to limit the Prosecution to one more Charge—Remarks on his Speech—Motion for putting a stop to all further Proceedings rejected, and Mr. Burke's motion carried—War in India—Reprobated by Mr. Fox—Defended by Mr. Pitt—Approved by the House—Mr. Wilberforce moves the Abolition of the Slave Trade—Mr. Pitt's Speech in favour of the motion—Arguments in defence of the Trade—Motion rejected by a con-

siderable majority—Philanthropic spirit of the Age—Laudable in its principle, though mistaken in its Application—Repeal of certain Penalties, and Disabilities, to which Papists were subjected by the Act 10 of William III. for preventing the growth of Popery—The Papists not satisfied by such partial Relief—Declaration of one of their Members on that Subject—Petition of certain *English Catholic Dissenters* to the House of Commons—They renounce many obnoxious tenets of the Church of Rome—They are not Dissenters merely in name, but in fact—The tenets which they renounced proved to have been enforced by the decrees of general councils, which all Papists are bound to obey—Bill for the relief of these Catholic Dissenters introduced by Mr. Mitford (now Lord Redesdale)—Supported by Mr. Windham and Mr. Fox—Mr. Fox defends the Bill, but insists that it does not sufficiently extend the principle of Toleration—Quotes the example of Prussia, Holland, America, and France—Those examples shewn to be irrelevant—Comments on Mr. Fox's notion of Toleration—The Bill passes both Houses without opposition—The proposed Oath of Allegiance to be taken by the Catholic Dissenters, modified by the Bishop of St. David's—Observations on that Oath—Debates on the Bill for giving a new Constitution to Canada—Mr. Pitt's Speech—Proposes the division of Canada into two Provinces, and the establishment of two distinct Governments—The Bill passes through its first stages without Opposition or Debate—Unexpectedly opposed by Mr. Fox on the Report—He condemns the whole of its Regulations—He reprobates the establishment of Hereditary Honours—Reduces the distinction of such honours, in established Governments, to a mere question of prudence—Mischievous tendency of such Principles—He censures the Provision for the Clergy as too liberal, and recommends the Governments of France and America, as affording better models for a good Constitution—Is answered by Mr. Pitt, who deprecates the introduction of Republican Principles into the British Constitution—The Bill is re-committed—Committee on the State of the Nation—Mr. Sheridan panegyrises the French Revolution—Mr. Fox pronounces it to be a stupendous monument of human happiness—Acknowledges a complete change in his system of external Politics to have been produced by the change in the government of France—Tendency of his Speech to encourage and propagate Revolutionary Principles in Great Britain.

[1790.] The union of moderation and firmness which had marked the conduct of the minister, while the dispute with Spain was pending, and to which its honourable termination was chiefly imputable, was extremely well calculated to ensure a continuance of that tranquillity which the nation now happily enjoyed, while the neighbouring countries were exposed to all the horrors of civil dissention. France proceeded, with wonderful rapidity, to retrace the steps which the wisest and best of her monarchs and statesmen had trodden for centuries, and, in the task of demolition, it is difficult to say whether the skill or the resolution of her regenerated patriots was most worthy of

admiration. This is not the place in which to mark the windings of her crooked policy, or to describe the diabolical means to which they had recourse, for the accomplishment of ends which they did not yet dare publicly to avow, though they were perfectly obvious to the most superficial observer, and clearly intelligible by the plainest understanding. The National Assembly, in virtue of the plenary power which it had arrogated to itself, had declared that the existing laws should remain in force until others should be framed and substituted in their place ; but the people, who reasoned more consistently than these new-born legislators, concluded, that if those laws were too bad to remain in force, they were radically vicious, and the sooner they were destroyed the better ; and on this conclusion they acted. And as they had, by the highest authority now existing in the state, been acknowledged as the only legitimate sovereigns, they resolved to exercise their supremacy, and made their will the law ; applying it to every circumstance as it arose.—Hence riots ensued ;—innocent men were murdered ;—criminals were protected ;—and all the natural blessings of a mob-government were enjoyed by the *good people* of Paris, who took upon themselves to personate THE NATION.

The magical talents of Neckar had failed to produce the effects which the people had expected to derive from them, and instead of that golden harvest which, in the ardour of their imaginations, had presented itself to their sight, they were reduced to submit to the dull exhibition of a dry arithmetical process, by which it appeared, that the revenues of a country do not increase with the diminution of its resources ; that those of France were in a most deplorable state, and that, in the first fifty-one days of the year 1790, the deficit, or the excess of the expenditure over the receipts, amounted to *fifty-eight millions of livres*, or about *four and forty thousand pounds sterling*, per day ! and, according to Mr. Neckar's calculation, the deficit of the year would exceed *twelve millions sterling*. As this enormous deficiency had been produced by revolutionary measures, the sages of the assembly thought it but just that revolutionary measures should be adopted for its removal. It was accordingly resolved, that *assignats* should be issued to the amount of four hundred millions of livres, above *sixteen millions*

six hundred thousand pounds sterling;—and that the estates of the church should be sold, which, it was expected, would raise a sufficient sum to provide for their payment. That this was not a measure of necessity (though no necessity could justify the partial plunder of any particular description of subjects) but preferred merely from its tendency to secure success to the revolutionary plans in agitation, is evident, from the offer made by the clergy to advance the same sum, which was refused by the assembly. Profoundly ignorant of every thing connected with the operations of finance, the assembly rendered the receipt of these assignats, at par, compulsory on the public; and reduced the interest, which they proposed they should bear, from *five to three per cent.*—The clergy, being thus stripped of their tythes, and of every other species of property, now became stipendiaries of the state; and the assembly, at last, fixed their salaries, from the curate to the primate, from fifty pounds sterling, to four thousand!

Tythes, and Armorial Bearings, were the next objects on which the assembly exercised their destructive skill.—*Charles de Lameth* proposed the suppression of the former; and a *Montmorenci* did not blush to move the annihilation of the latter! Possibly a sense of humility might suggest to him, that, as he possessed none of the virtues of his ancestors, he could have little claim to their honours or distinctions.—In vain did the Abbè Maury, with his usual good sense, remind these *tyrants of liberty* that the Romans had orders of knighthood, and were free; that, in France, the nobility was constitutional; and that to destroy it was to destroy the monarchy.—The very reason which he urged to deter them from passing such a decree, was the real motive which induced them to propose it.

Proceeding upon this levelling principle, it was but consistent in the assembly to admit deputations of the rabble to address them at their bar. On the 19th of June, a body of ruffians, who had the most legitimate claims to the appellation of *sans-culottes*, but who preferred that of the *Conquerors of the Bastille*, went to the assembly to claim the reward due to their services:—As rebels and assassins, they ought long since to have been consigned to the hangman; but Mr. *Camus*,

having recounted the prodigies of valour which they had displayed at this memorable siege, and expressed his astonishment that they should not have sooner received the recompence which their bravery so richly deserved, proposed, and the assembly, who knew that there was not a syllable of truth in his representation, decreed, after professing their “admiration at the heroic intrepidity of the conquerors of the Bastille,” that they should be provided with a suit of regimentals, and arms complete.—Upon the barrel of the musket, and the blade of the sword, were to be inscribed these words: *Given by the nation to ——— a Conqueror of the Bastille.*—An honourable certificate was also to be delivered to each of them, expressive of the gratitude of the country.—A similar certificate was also to be granted to the widows of those who fell at the siege of the Bastille. A place was to be appointed for them at the approaching federation of the 14th of July, where France might contemplate *the first restorers of liberty*; and their names were to be inscribed on the archives of the nation.—But the French and National Guards were so enraged at this proceeding, that the pretended conquerors of the Bastille deemed it prudent, a few days after, to repair to the assembly, and to resign their destined honours.*

Another scene, equally ridiculous, was exhibited during the same sitting.—A Prussian vagabond, one Anacharsis Clootz, appeared at the bar of the assembly, accompanied by deputies from the various nations of the earth, who had chosen him for their speaker.—This orator pronounced a most virulent harangue, expressive of a hope, similar to that which Doctor Price and Mr. Fox had avowed, that the glorious example of France would be followed by all other states.—

* Bertrand's Annals, vol. ii. p. 461.—One of these conquerors of the Bastille had been apprehended, in the month of January this year, for making a disturbance before the prison of the Chatelet, during the trial of the *Marquis de Favres*, (who was murdered through fear of the mob) and was carried before one of the municipal officers. This man expressed his astonishment that he should be apprehended, and complained of the *mistake*: “What! Gentlemen!” said he, “am not I a good citizen? I, who cut off the heads of *Foulon* and *Launay*; who tore out their hearts and bowels?”—He then drew a knife from his pocket, with which he had performed the operation, and when it was objected to him, that the instrument was too small for such a purpose, he answered, that he had been a butcher and a cook, and understood amputations!—See the *Moniteur* of Jan. 15, 1790.

“ You have proved,” said he, “ beyond a doubt, that the sovereignty resides in the people ;—now, the people every where are under the yoke of dictators, who call themselves sovereigns, in spite of your principles.—The dictatorship is usurped, but the sovereignty is inviolable ; and the ambassadors of tyrants could not do so much honour to your august festival, (the approaching federation) as most of us, whose mission is tacitly acknowledged by our countrymen, that is to say, by oppressed sovereigns. What a lesson for despots ! what a consolation for unfortunate nations, when we shall inform them that the first nation of Europe, in assembling its banners, has given the signal of happiness to France, and to the two worlds !”

Any other assembly of persons, but the National Assembly of France, would have consigned this man either to the stocks, as a drunkard, or to the mad-house, as a lunatic ;—but the sentiments which he uttered were too much in unison with those of the majority, not to be listened to with attention, and not to be received with respect : during his harangue, he was repeatedly interrupted by the loud plaudits of the assembly ; and the president, Menou, made him a grave and serious answer, in which he informed him, that the assembly would allow him and his brother deputies, to assist at the ceremony of the federation, on condition that, on their return to their respective countries, they would relate to their countrymen what they had seen.*

* It is scarcely credible, that any man, above the lowest of the rabble, should have acted as the majority of the assembly did on this occasion.—Several members addressed these cosmopolitan deputies, as if they had been really the respectable representatives of their different nations. M. de Fermont called their address the *noblest homage* which the assembly could possibly receive for their labours ; and moved that their request should be granted by acclamation ; and Alexander de Lameth seconded the motion made “ in favour of these generous strangers.” M. Bertrand de Moleville relates the two following curious anecdotes, respecting “ these generous strangers,” of whose “ noblest homage” this first assembly of the *first nation in the world*, was so proud.

“ M. de Boulainvilliers, who was that day at the assembly, observed, among the deputation, a negro, who belonged to one of his friends : “ Ah ! Azor !” said he to him, “ what are you come to do here ?”—“ Heigh, Massa !” answered the negro, “ no me do de African.”

“ It was discovered the next day, that this assembly of all the nations on the earth, to the most august assembly of the universe, and which formed the train of the Baron de Clootz, was entirely composed of vagabonds and foreign servants, hired at twelve livres a head.

The King who, with great personal courage, was destitute of that mental energy, and of that determined spirit, which are so necessary to control the turbulent passions of an irritable and infuriated people; and who had the misfortune to have ministers not more resolute than himself, had been advised, as the only means of recovering his lost popularity, and of preventing more fatal consequences, to *put himself at the head of the Revolution, and to direct its course*. In pursuance of this advice, which nothing but a perfect ignorance of human nature could have suggested, and nothing but a full consciousness of incapacity could have induced any minister to propose to a Sovereign, so circumstanced, the King went to the assembly, early in the present year, and gave his formal sanction to the new order of things, to promote the success of which he promised to exert all the means in his power.—The declaration was received with every mark of enthusiastic approbation, and, for the moment, the King appeared to be once more the idol of his people.—The delusion, however, soon vanished;—the genius of rebellion again asserted his superior influence;—all the scenes of revolutionary violence were renewed; and every calumny, and every insult, were heaped upon the only real friends of the country. Some of the revolutionary butchers, who afterwards took the lead in this systematized rebellion, now began to rear their sanguinary heads.—Robespierre became bolder and bolder, in his addresses to the assembly; and that mon-

The secret was betrayed by an orthographical error. One of the vagabonds of the deputation went the next day to the *Marquis de Biancourt*, a member of the assembly, and asked to be paid his twelve livres.—“What do you mean by your twelve livres?” said M. de Biancourt; “I do not know you, and how do I owe you any thing?”—“Because, Sir, it was I who did the Chaldean yesterday, in the assembly; we were engaged for twelve livres a piece, and I was desired to come to you to be paid.”—“Indeed, Mr. Chaldean, you have been sent to a wrong person; I know nothing of the engagement you talk of, and I have nothing to do in that business.” M. de Biancourt made no secret of this visit, and the particulars even got into several newspapers. It was pretty generally suspected that an ill-shaped L, taken for a B, had caused the poor Chaldean’s mistake, and the *Duke de Liancourt* was, in consequence, supposed to be the treasurer of the embassy, which, however, he constantly denied.—The author of this farce was sought and enquired after in vain; he never made himself known; and it is not yet very clear whether the imposition was meant to be put upon the public, or upon the assembly only.—Certain it is, that the public were not imposed upon, and that the assembly were, or appeared to be, completely so.”—*Bertrand’s Annals*, vol. ii. p. p. 466-7.—*Note*.

ster, *Marat*, circulated his inflammatory publications, not only in the capital, but throughout the country.—In one of the numbers of his “*Friend of the People*,” which appeared about midsummer this year, he earnestly exhorted the people to fly to arms, instantly to repair to St. Cloud, (where the Royal Family then were) and to bring back the King and the Dauphin to Paris, there to keep a strict guard over their persons, and to render them responsible for whatever might happen.—“Shut up,” said this furious regicide, “the Austrian, (meaning the Queen) and her brother-in-law, (Monsieur) that they may no longer plot together. Seize all the ministers and their clerks ; put irons on them ; secure the chief of the municipality, and the mayor’s lieutenant ! Keep your eye on the General ;—arrest the staff-officers ; seize the post of artillery, in the *Rue Verte* ; and make yourselves masters of all the magazines and powder-mills, and let the cannon be distributed among the different districts. Haste, haste, if it be not too late, or soon will the enemy’s hosts fall upon you ;—soon will you see the privileged orders rearing their heads again, and despotism, horrid despotism ! will appear more formidable than ever. Five or six hundred heads struck off would have insured your peace, liberty, and happiness ; but the mistaken humanity that withheld your hands, will cost the lives of millions of your brethren. Let your enemies triumph but a moment, and blood will flow in streams ! They will cut your throats without pity ; rip up your wives, and extinguish for ever among you the love of liberty ;—their bloody hands will search for the hearts in the bowels of your children.”

Another revolutionary firebrand, Camille Desmoulins, referring to the federation, called it, and certainly with great truth, “a national federation,” in which a King, with his hands tied behind his back, followed, in humiliation, the car of the conqueror. The difference between these jacobinical writers, was simply this ; that the one extended his sanguinary ban to all above the order of the common people ; while the other limited his projects of murder to the Royal Family and their immediate friends.—The publication of such a paper as that of *Marat*, in the capital, openly instigating the mob to commit rebellion, regicide, and murder, affords, at once, a better idea of the state of the country, the

temper of the people, and the conduct of the National Assembly, and a better comment on them than any brief detail or concise argument, could convey. Mr. Malouet called the attention of the assembly to these sanguinary libels, and, notwithstanding the indecent clamours of the opposition, who trembled for the fate of their agents, prevailed on the majority to order the Attorney-General (Procureur du Roi) to prosecute all the parties concerned in the composition or publication of them for treason.—This decree, however, as far as it affected Camille Desmoulins, was revoked, at an evening sitting, three days after, at which few of the well-principled members of the assembly were present.—Alarmed, too, at this appearance of vigour, the advocates of rebellion availed themselves of another evening sitting to pass a general amnesty for all revolutionary crimes; though, when pressed to follow up the principle, by extending the amnesty as well to the prosecutions pending against the royalists, as to those which related only to rebels, the majority rejected the proposition with disdain, thereby clearly and unequivocally avowing their motives, and unfolding their views.

In a debate, in the assembly, in the month of August, on the subject of the arbitrary arrest of the Abbè de Barmond, at Chalons, by the municipality, on the ridiculous charge of having *carried off a citizen*; in other words, for having given a seat in his carriage to *M. de Bonne Savardin*, an officer who had made his escape from the prison of the Abbaye, where he had been confined on a charge preferred by a municipal committee, at Paris, of having formed the plan of a counter-revolution, contained in a memorial which was never produced, the President de Frondeville, after having exposed the dangers of such tyrannical proceedings, and the folly of those *friends to liberty*, who, by defending them, violated all the principles which they professed, concluded his speech with this observation: “If it be a good action to support the law, *M. de Barmond* performed a good action in removing a citizen from tyranny; and now it is proposed to you to detain him, under an arrest, while, *for these six months past, the assassins of our Princes are freely parading the capital; nay, perhaps, while they are seated among ourselves!*”—When he uttered these words, he cast a significant look at the *Duke of Orleans*, whom every body knew to be one

of the persons alluded to ; and they knew Mirabeau to be another, for they had been pretty plainly pointed out, in the report of the proceedings instituted at the Chatelet, for the investigation of the crimes committed at Versailles, in the October preceding. The assembly in an instant became a scene of tumult and disorder ; all the opposition, (or *Coté Guache*) joined by the mob in the galleries, exclaimed violently against M. de Frondeville, whom they refused to hear in explanation. At length they decreed that the last sentence of his speech should be censured, and it was ordered that his speech should be laid on the table. M. de Frondeville immediately published his speech, to which he prefixed this very apposite motto :

“ *Dat veniam corvis, vexat censura columbas.*”

And assigned as the reason of its publication, that it had been honoured with the censure of the National Assembly, which, he modestly added, was the only merit which he was conscious of its having.—This gave rise to another very extraordinary scene in the assembly, for M. de Frondeville, having very honourably acknowledged that the speech was printed by him, for the purpose of distributing only among the members of the assembly, it was proposed to imprison him for eight days. The Abbè Maury contended, on this occasion, that the assembly had no right to inflict a punishment which was authorized by no law whatever, and for an offence which no law had described, or even noticed.—This was a question of very considerable importance, for if a popular assembly had a right not only to be judges in their own cause, but to make their own will the substitute for law, both in declaring the crime and fixing the punishment, there was an end to civil liberty, because there existed in the state a large body of men, who were not merely *above the law*, but who controlled the law, and, acting in open defiance of the law, deprived the subject of his freedom, at their pleasure, while they *violated the inviolability* which they had themselves proclaimed and established. But had the question, which involved some of the most important considerations to men who professed to be employed in the task of giving a free constitution to a regenerated country, been proposed to the rabble in the suburb of St.

Anthony, it could not have been discussed with more violence, or with less reason.

The scene terminated by an order, that M. de Frondeville should confine himself to his own house for eight days ; during which period his house was crowded with visitors, consisting of all that was respectable in the metropolis. The Duke of Orleans, at the instigation of his mistress, sent a challenge to M. de Frondeville, by the Prince d'Arenberg, which was accepted ; but the business proceeded no further, for the Duke had not courage to keep his appointment.*

Neckar, who had long been the idol of the mob, and to whom the revolutionary party had been so deeply indebted, had ceased, for some time, to receive that popular incense which was so grateful to his weak mind, and which, indeed, seemed essential to his political existence.—In fact, his influence and his popularity were gone, and nothing but his dismissal by the King could possibly have restored them.—Left, however, to himself, his situation soon became insupportable ; and after, in the evening of the second of September, having received information from M. de La Fayette, that his life was in danger, and that the mob, which had been very riotous during the day, designed to attack his house in the night, he fled, in alarm, to his country-house, at St. Ouen ; and, when there, his fears were so strong, that he dared not go to bed, but wandered, till morning, in the neighbouring valley of Montmorenci.—The next day, he sent a farewell letter to the assembly, and left Paris, on his way to Switzerland,

* Some time after, (in the month of November) Charles de Lameth was called out by the Duke de Castries, who wounded him in the arm.—The wounded man constantly received messages of enquiry from the Jacobin Club, and all the Revolutionary Societies in Paris ; and the mob, headed by one *Clermont*, a known agent of the Lameths, attacked the residence of the Duke de Castries, and demolished every article of furniture which it contained.—When the people had exercised this act of sovereignty, a military deputation went to the assembly, “ *to demand vengeance*” on the Duke, and the demand was received with the loudest applauses by the whole opposition ; at which a very moderate member, *M. Roy*, was so shocked, that he observed, with equal truth and energy, that “ *none but villains could have so applauded !*” for which he was imprisoned three days.—*Bertrand's Private Annals*, vol. iii. p. 185, 186. ”

where he had ample leisure to reflect on a kingdom sacrificed to his vanity and incapacity !

While the affairs of France were thus hastening to a crisis, the new Parliament of Great Britain met, on the 26th of November. The King then informed the two Houses, in his speech from the Throne, of the termination of the dispute with Spain, by which he had attained his object—reparation for past violence, and the prevention of future disputes.—His Majesty adverted to the restoration of tranquillity in the north of Europe, excepting only the war still subsisting between Russia and the Porte ; expressed his concern at the renewal of hostilities in the East, occasioned by the encroaching spirit of Tippoo Sultaun ; and recommended to Parliament immediate attention to the internal government of the province of Quebec.—But little opposition, and no division, took place on the motion for the address ; but a debate ensued, on the 13th of December, after the convention with Spain had been laid before the House, on a motion for the production of all the papers, relative to the late dispute with that country, which was rejected by a majority of 124. The next day (December 14th) another debate took place, on the motion for a congratulatory address to the King, on the favourable termination of the dispute with Spain.—Mr. Fox was of opinion, that the reparation which had been obtained was insufficient, and not such as had been insisted on in similar cases, at former periods ; and that the arrangements or the prevention of future disputes were utterly inadequate to the attainment of that object. In short, it appeared to him that we had made concessions to Spain, instead of receiving concessions from her, as we had before enjoyed a free and unlimited navigation in the Pacific Ocean, the unrestrained right of fishing in the South Seas, and the undoubted privilege of establishing settlements in any part of South or North-west America, from which we were not excluded by previous occupancy ;—whereas, by this convention, we had submitted to have restraints and limitations imposed upon all these rights and privileges.

Mr. Pitt, on the other hand, maintained, that the reparation for the injury which we had sustained was complete. In the controversy,

respecting the Falkland Islands, to which Mr. Fox had alluded, the minister of the day had, indeed, obtained a reparation, but he had left the claim of right unsettled. Upon the present occasion, by the first article of the convention, we had gained all that we could have reasonably expected, on the point of restitution, the Spanish court having pledged itself to restore the lands of which we had been unjustly dispossessed; and, by the second article, our claim of right was acknowledged and adjusted. In answer to the objections of Mr. Fox, to other articles of the treaty, as being replete with concessions, rather than acquisitions, Mr. Pitt observed, that our gains consisted in the acquirement not of new rights, but of new advantages. He admitted, that we before had all the rights on which Mr. Fox had insisted; but they had always been disputed and resisted, whereas, by the present convention, they were fully recognized, and formally secured to us;—circumstances which constituted new and considerable advantages. Whenever a concession was made on our part, a stipulation, equally favourable to us, was made by Spain. In respect of the line of demarcation, Mr. Pitt deemed it most expedient to leave undefined, what, at the present moment, it was impossible to ascertain with sufficient accuracy. On a division, the address was carried by a majority of one hundred and twenty-four; two hundred and forty-eight having voted for it, and one hundred and twenty-three against it.

The day after this debate, Mr. Pitt laid before the House an account of the expences incurred by the preparations for war with Spain, which amounted to the aggregate sum of £3,133,000. He represented the circumstances of the nation, at this period, to be peculiarly fortunate and flourishing. The former Parliament, which found the country depressed, and, apparently, burdened beyond measure, had not only laid the grounds of a gradual reduction of the National Debt, but had seen its efforts, to a certain extent, crowned with success. The present Parliament, in the conception of Mr. Pitt, had not the same difficulties to encounter; for the country was obviously more equal to the burdens with which the late armaments compelled ministers, unwillingly, to load it. He hoped, therefore, that the House would meet the addition of debt with firmness and energy; that it

would not be contented to defray the interest, and leave the capital a permanent burden, but that it would convince the world of the magnitude of our resources, as well as of the increase of our power. With this view, he should bring forward a plan of ways and means, adapted to the occasion, and should propose taxes, which would, in a short time, pay off the whole of the additional debt. The first resource to which he should apply, was the balance of the issues of public money for particular purposes, which had accumulated from unpaid dividends in the hands of the Directors of the Bank of England. The right of the public to avail itself of this resource, he defended on the principles of prudence, of justice, of good faith, and of economy. He then took a view of the progressive increase of this balance, from the year 1727, when it was only £43,000, to the year 1790, when it amounted to £660,000, half a million of which he meant to appropriate to the public use, giving, to those who might be entitled to it, an adequate security on the consolidated fund. He next proposed to establish such temporary taxes as, with the addition of the unclaimed dividends, and of one permanent tax, should produce a sufficient sum to discharge the whole debt in the space of four years. In each of the two first years he intended to pay off, besides the interest, £800,000 of the capital, by which means, adding to these sums the half million from the bank, more than half the debt would be discharged in that short period; after which, part of the taxes might be taken off, and the others continued for the payment of the remainder in the two subsequent years, forming a complete extinction of the whole capital in four years. The means by which he proposed to accomplish this salutary scheme of finance, was by imposing an additional duty of 2s. 8d. upon sugar, which would raise the whole duty from 12s. 4d. to 15s.; and would produce £241,000; one-sixth of the amount of the existing duties on spirits, which would produce £240,000; an additional duty of three-pence per bushel on malt, which was calculated at £122,000; a tax of ten per cent. on all the assessed taxes, (except the commutation and land taxes) which was estimated at £100,000; and, lastly, a double tax on gamekeepers, and the addition of one-third more on licenses for killing game. These different taxes would yield the sum of £728,000, to which Mr. Pitt proposed to add the further sum of

£300,000 ; which he expected to derive from a new modification, of a permanent nature, of an existing tax on bills of exchange and receipts. As, by this plan, the consolidated fund would gain an additional sum of 1,300,000 the first year, he moved that so much should be issued for the service of the year 1791 ; and, as a temporary resource for the remainder, he proposed the adoption of exchequer bills to the amount of £1,800,000. All these arrangements met the approbation of the House, except the appropriation of the unclaimed dividends. The objections urged against that measure, on the ground of its tendency to affect the national credit, appearing to Mr. Pitt to be reasonable, he consented to accept, from the Bank, a loan of half a million, as long as a floating balance to that amount should remain in the hands of their cashier.

A question now arose in the House of Commons, of considerable consequence, as materially affecting the *judicial* powers, asserted and exercised by that assembly. The Parliament having been dissolved while the trial of Mr. Hastings was depending, some serious doubts were entertained whether the impeachment did not cease, of course, so as to render it necessary for the House to begin all their proceedings respecting it *de-novo*. In order to bring this important point to a decision, Mr. Burke moved, on the 22d of December, “ that it appears that an impeachment by this House, in the name of the Commons of Great Britain, in Parliament assembled, and of all the Commons of Great Britain, against Warren Hastings, Esq. late Governor-General of Bengal, for sundry high crimes and misdemeanours, is now depending.”—Mr. Burke observed, that his motion involved no abstract question, but was a plain, practical assertion of their privileges, as handed down to them by their predecessors, through an uninterrupted succession of five hundred years. In all the convulsions of our government, in all the struggles, contests, and incidental or progressive changes of the functions and powers of the House of Commons, this alone had remained immutable.—That an impeachment was never to be defeated by collusion with a minister, or by the power of the Crown. Mr. Erskine, with a view to the appointment of a Committee to search for precedents, moved that the chairman (the House

being in a committee) leave the chair, when one of the longest, and most able, debates, to be found in the annals of Parliament, ensued.

Mr. Pitt requested the attention of the committee, at a very early stage of the debate, while he submitted to their consideration his solemn and deliberate opinion upon the question at issue, the decision of which involved considerations of the first magnitude ;—the rights and privileges of Parliament were concerned, which must remain ever inviolably sacred, or our valuable and excellent constitution would be subverted and destroyed.—Precedents had been consulted, with the laborious industry, no doubt, of many months investigation, by several honourable and learned gentlemen, but those adduced, upon the present occasion, in favour of impeachments abating upon a dissolution of Parliament, were in number so few, and of such questionable authority, in his opinion, as clearly to evince the imbecility of the cause, without the most distant reflection on the abilities of its advocates. After the most diligent and accurate investigation in his power, of the subject under discussion,—after deliberating, for a length of time, upon almost every possible ground on which it might be argued, Mr. Pitt declared, that he was fully prepared to deliver his sentiments on the question,—how far impeachments were abated by a dissolution of Parliament.

The first point for consideration, was to ascertain if any evidence existed of an uniform established practice observed by both Houses, in their conduct of impeachments, which was to be considered as the law of Parliament in such cases. If there were cases which clearly established the point, that, from the usage of Parliament, impeachments did abate by a dissolution, he would bow in silence to the authority, but would lose no time in providing a remedy against a practice, the tendency of which was alike hostile to the privileges of the House, and destructive of the liberties of the country. The authority of such precedents no one would say ought to be relied upon, in preference to that of the fundamental principles of the constitution ; but he was happy to find that there existed no evidence of such an uniform rule of Parliamentary practice. From a dispassionate review of the dif-

ferent precedents, he was prepared to assert, with confidence, and the sequel, he trusted, would abundantly justify the assertion, that impeachment did continue *in statu quo* from Parliament to Parliament, notwithstanding the precedents so much insisted upon by Mr. Erskine, in support of a contrary opinion. Mr. Pitt then proceeded to consider the precedents which tended to prove the justice of his own position.—He adverted to cases in the reigns of Richard the Second, and of other princes of that age ; but he only dwelt on the case of the Duke of Suffolk, in the reign of Henry the Sixth, which indisputably proved that impeachments continued from one Parliament to another. In his investigation of precedents, however, he disclaimed all intention of confining himself to the more doubtful decisions of antiquity, and proceeded to more modern times, and to instances better ascertained and more applicable to his purpose. By the resolutions of the Lords, in the year 1673, writs of error, and petitions of appeal, were made to continue from Parliament to Parliament ; but it was contended, since no mention was made of impeachments in that resolution, that a dissolution of Parliament operated as an abatement of such proceedings. Now the very opposite conclusion was deducible from the report of the committee, which expressly stated, that “ writs of error, petitions of appeal, and other businesses of a judicial nature,” ought not to be narrowed in their discussion, but to extend from Parliament to Parliament. Impeachments, therefore, as judicial proceedings, did not, necessarily, abate by a dissolution. But, in the order of 1678, impeachments were expressly mentioned, in common with writs of error and petitions of appeal, to continue from one Parliament to another.

To this precedent, however, clear and decisive objections had been taken to invalidate its authority.—First, it was affirmed to have been a very precipitate proceeding.—But how could that objection apply ? Did it refer to any new matter, not included in the former resolution of 1673 ? Clearly not.—That order was only a deduction from the principles already laid down in the former decision ; it could not, then, be a precipitate measure. But the critical juncture of affairs, during the ferment of party violence, and of civil contention, might probably, it was said, contribute materially to that resolution which authorized the continuance of impeachments. That objection too must

vanish, on contrasting the circumstances of the times, in which the decision took place, with those of the subsequent period at which it was rescinded. In 1678, the proceedings of the Lords were not influenced by any particular reference to some matter then depending, it was a general order, that writs of error, petitions of appeal, and impeachments, should survive a dissolution of Parliament. Nor was this measure the production of any party-violence or animosity ; it was an unanimous decision, founded upon the resolution of 1673, to serve as a standing precedent for the conduct of future impeachments. But what was the case of the reversal of this decision in 1685, so much depended upon as a precedent in favour of the abatement of impeachments by a dissolution ? Was it not at the æra when James the Second, a bigotted and popish prince, had ascended the throne of these realms, when the Parliament was obsequiously devoted to the will of the monarch,—when the sacrifice of principle was required to be made to practical abuse by the prejudices of the times,—when certain popish lords were about to be solemnly impeached, who were the supposed favourites of the King ? Under such circumstances, what was the conduct of Parliament ? They, very probably, thought that compliance was better than resistance at such a period ;—and, therefore, they determined, probably with the best intentions, to rid themselves of the impeachments in contemplation, by rescinding the order of 1678 : the professed object of this reversal, then, was to screen the noblemen in question from the impending danger of impeachment. Mr. Pitt asked, against which of the decisions the objections taken from the circumstances of the times applied most forcibly,—whether to the order of 1678, or to its reversal in 1685 ? Unquestionably the latter. Mr. Erskine, therefore, had ably and successfully argued against himself ; since, by this objection, he had clearly proved the one decision a good precedent, but the other a bad one.

The next objection to the order of 1678, was founded on the case of Lord Stafford, in 1680 ; but how could this instance invalidate the authority of the precedent in question ? Because it afforded Mr. Erskine an opportunity of appealing to the passions, that, from his eloquent and pathetic description of the trial, conviction, and execution of that unfortunate nobleman, the committee might infer the injustice of the prin-

ciple of continuing impeachments. But was that a legitimate and conclusive argument? Would not such reasoning prove adverse to the cause which he had laboured to establish? For, admitting the Parliament, in this instance, to have acted improperly by continuing an impeachment, might not another Parliament be equally culpable in dispensing with the continuance of such a proceeding? Suppose a delinquent impeached, and the charges of crimination alleged against him gone through, when a dissolution of Parliament takes place, would it not prove the extreme of injustice to stay the proceedings by which the defendant would be precluded from entering upon his defence, and judgment of crimination or acquittal could not pass without a renewal of the proceedings *de novo*? His innocence or guilt must remain a subject of much doubt and suspicion. Would it not, therefore, be infinitely more expedient and proper, for the honour and reputation of both parties, that such proceedings, begun by one Parliament, should be resumed in *statu quo* by another? Upon such a liberal principle, the accuser would have every fair opportunity of making good his charges,—and the accused would have equal liberty to establish his defence.—Nothing short of this procedure could deserve the name of public justice. What! because the fate of one nobleman, from the continuance of impeachment, was supposed hard and oppressive, did it, therefore, follow that the exercise of such a privilege of the Commons, in every instance, would be attended with the same obnoxious consequences? If the abuse of an institution were a valid argument against its utility, the objection might apply; otherwise, the learned gentleman's pathetic exhortation would go for nothing; for, in deciding on the merit of a dry precedent, our passions ought not to interfere with our judicial deliberations; the validity of the order of 1678 stood, therefore, unimpeached; a precedent which neither eloquence nor sophistry could possibly invalidate.

The case of Lords Salisbury and Peterborough, adduced as a precedent in favour of an abatement of impeachments by a dissolution, was equally unfortunate, for there did not appear, from the proceedings, any reference whatever, either to the order of 1685, or to any former decision upon the subject.* The impeachment adverted to abated, not by virtue of any usage of Parliament, but, by the operation of an act

of general pardon. The impeachment of Sir Adam Blair and others did not apply, because no attempts were made to renew the prosecution, and they had been holden to bail subsequent to a dissolution. Now, if the proceedings had abated in consequence of that event, the parties could not have been holden to bail afterwards ; the impeachment having been determined, they must have been dismissed. But, as the proceedings were pending, unaffected by any dissolution, the parties were bound in a recognizance. The only just inference, therefore, from that case clearly was, that impeachments did not abate in the manner in which it had been contended that they did by a dissolution of Parliament. The same conclusion was evidently deducible from the impeachment of Lord Danby ; for there could not remain any doubt as to the sentiments then entertained by Parliament, since he was clearly dismissed on no other account than because the Parliament had abandoned the prosecution ; now three dissolutions of Parliament had taken place before he was discharged.—It was evident, if a dissolution produced an abatement of impeachments, Lord Danby must have been dismissed upon the first dissolution ; nay, he would have been, upon that principle, discharged of course. But the case was quite otherwise ;—for Parliament was repeatedly dissolved, and Lord Danby was as often detained, until, at length, the Commons declining to prosecute, he was discharged ; so that the impeachment abated by the act of the Commons, and not by the operation of a dissolution. In the cases of Lords Somers, Halifax, Portland, and the Duke of Leeds, impeachments abated in the same manner ;—the Commons not prosecuting, the parties were severally discharged. On which side of the question, then, did the weight of evidence, from precedent, preponderate ?—Did not the scale fairly incline in favour of the continuance of impeachments from Parliament to Parliament ? The right of the Commons to prosecute an impeachment, until judgment was obtained, in the opinion of Mr. Pitt, was clear, unequivocal, and indisputable, from the authority of such a body of precedents.

After investigating the evidence to be collected from precedents, the practice of Parliament, during the last three years, was the next object of inquiry, in the present discussion. • Parliament exercised two powers,—legislative and judicial,—which had their separate distinct

limits of duration. The confusion of these powers was the principal source of all the doubts which had been started on the question. Lawyers had differed as much in their opinions respecting writs of error, and petitions of appeal, as upon impeachments; from such collision of opposite sentiments, much satisfaction could not be expected. A reference should, therefore, be made to the clear and established principle of the constitution, in order to dispel every cloud of doubt, and to remove every shade of difficulty. Every act of legislation, it was well known, was terminated by prorogation, as well as by dissolution; but no judicial act was influenced by either. Impeachment, therefore, being a judicial proceeding, could not be affected by prorogation or dissolution. In the case of writs of error, and of petitions of appeal, the process continued from Session to Session, and from Parliament to Parliament: much more necessary was it that the proceedings in an impeachment should also continue;—for, in the one case, there was only one individual against another, but, in the other, the House of Commons, and all the Commons of Great Britain, were parties against a state delinquent. The impeachment in question, was not the act of the late Parliament, but of the whole Commons of the Realm; the proceedings being instituted in the names, both of constituents and representatives. It had been asked, if the House of Commons, in this instance, were the attornies of the people?—In one sense they were considered as agents, consulting their own judgment and discretion, in the protection of the interests of their constituents. But they were not the attornies of the people, as agents delegated with power, to act merely by the instruction of their constituents.—Such an acceptance of the term, Mr. Pitt said, should have his heartiest abhorrence and reprobation. An impeachment had been commenced by the Commons, in the persons of their late representatives; such a proceeding ought not to be discontinued without due enquiry and deliberation;—for the House stood in a similar situation with the successor of the King's Attorney-General, in the present instance, who was required to proceed with all the trials already commenced on the part of the King. But, in law it was said there was no such body as the Commons of England recognized; but would any one draw such an absurd inference from an accidental omission, that such a body had no real existence, which was

to be regarded as the principal object of legislation in every civilized country?—Our ancestors had, in their accustomed wisdom, sufficiently, in his opinion, guarded against such a supposed solecism in politics, by ordering all supplies to be granted, as well as all impeachments to be made, in the name of the commons: when once a proceeding, therefore, assumed a judicial form, its existence no longer depended upon the persons who were immediately concerned in its institution. The House of Commons were only the legal organ for the institution of impeachments, as the Attorney-General was for filing informations *ex-officio*, or preferring indictments in the name of the King. The public prosecutors, in the one case, were the Commons of the realm, and the King was the prosecutor in the other. From the consideration of the capacity in which the House, as a judicial, and not a legislative, body, acted in the conduct of impeachments, it followed that their proceedings, by the constitution, could not abate, or be affected either by a prorogation or a dissolution of Parliament.

The next ground of evidence to which Mr. Pitt directed the attention of the House, was taken from the decisions of the Courts of Justice, and from the authority of eminent lawyers. He represented the authority of Lord Hale, great and respectable as it was, as to be considered with mistrust, on the present occasion, since writs of error, petitions of appeal, and impeachments, were regarded by him as legislative, and not judicial, proceedings.—Now all the legislative proceedings, unquestionably, abated by prorogation as well as dissolution; but impeachments, writs of error, and petitions of appeal, were judicial proceedings, which continued from Session to Session, and from Parliament to Parliament. The error of Lord Hale proceeded from his confounding the legislative with the judicial power in Parliamentary proceedings. This mistatement appeared, from a passage which Mr. Pitt read to the committee, in which writs of error, petitions of appeal, and impeachments, were said to abate, as well by prorogation as dissolution. Lord Holt entertained a different opinion upon the subject, since he had argued from the case of Lord Stafford, as a weighty and irrefragable precedent, in favour of the continuance of impeachments, and other judicial proceedings, from one Parlia-

ment to another. Lord Chief Baron Commyns, an authority of the highest respectability in the Courts of Justice, was also decided in his opinion on the subject; for, from a passage which he read out of his *Digest*, it appeared not only that impeachments continued, but that they should be resumed and prosecuted, until judgment was obtained, notwithstanding any contingent interruptions from either prorogation or dissolution. The authority of the legislature, too, in the preamble to an act of the 13th of the King, by implication, was also favourable to the point which he endeavoured to establish; besides, many cases from Carthew's Reports, and other authorities, might be adduced, which abundantly proved it had been long held, that impeachments were not affected by the operation of a dissolution. If such proceedings had abated, in consequence of such an event, it was evident that the cause of public justice would be greatly interrupted. But there was neither precedent nor law which authorized such a deduction; and the continuance of impeachments was frequently rendered indispensably necessary, in order to produce a salutary operation, and to guard against their abuse. If impeachments were allowed to be a part of the judicial power, they must necessarily have the same operation with the other acts of that power. Writs of error, and petitions of appeal, as judicial acts, survived prorogation and dissolution;—so also ought impeachments. To admit the continuance of the former, and to insist upon the abatement of the latter, by the operation of a dissolution, was the grossest absurdity; since, as judicial proceedings, they were branches of the same power; and their connection depended upon a permanent union of principle. Those who insisted upon the abatement of impeachments were consistent, if they also insisted upon the abatement of writs of error, and petitions of appeal; but when once the continuance of the latter was allowed, and the abatement of the former contended for, in consequence of a dissolution, then it was evident that impeachments were made, in one instance, a branch of the judicial power, and, in another, an act of the legislature, in order to serve some particular purpose. Now, such confusion of the two distinct powers of Parliament should be studiously avoided, lest their proceedings should be impeded by endless doubts and difficulties, and terminate in great oppression and injustice to individuals, and

eventually tend to overturn our excellent constitution. The power of impeachment was a privilege of the first consequence to the liberties of the country ; it operated as a salutary check upon those in administration, and effectually guarded against every undue influence of the Crown, in the protection of state delinquency. Ought the event of an impeachment, then, to depend on the operation of a dissolution?—No. If the exercise of the power were once to be influenced by such an event, there would be an end put to official responsibility ; the most flagrant acts of corruption, oppression, and injustice, would pass with impunity ; for the party impeached might procure, by his own interest, or the influence of his friends, a dissolution of Parliament, in order to escape the punishment which his offences might justly deserve.—Voluntary banishment were, indeed, too heavy a punishment for injured innocence to endure ; for the purpose of avoiding an unjust impeachment ; but for the guilty delinquent it would be no punishment, but rather a reward for his villainy. The abatement of impeachments, therefore, by a dissolution of Parliament, would throw an insurmountable obstacle in the way of public justice, and would deprive the House of a power the most formidable to a corrupt administration, the exercise of which served as a shield and bulwark for the constitution.

As to Mr. Erskine's objection, that no man could be a judge, *de jure* in a court, without a competent knowledge of the whole proceedings ; this was true, in an inferior court of judicature, but was not applicable to the House of Lords ; for that supreme court of judicature was liable, perpetually, to change its members in consequence of death, which naturally produced others as their successors. Supposing the new members were ignorant of the proceedings already had, of the impeachment depending, what inconvenience could arise from that circumstance, when copies of the whole evidence were printed ? They need only refer, for requisite information, to the journals. They had a right to judge from the minutes, upon the fidelity and accuracy of which they might always depend, since they were distributed, not only among those peers, who were present at the taking of the evidence, but among those who were absent, for their information. An

impeachment was an extraordinary case, which did not admit of being conducted upon the same rules which governed an inferior court of judicature. In the one case, judgment was formed upon printed evidence ; but in the other, *vivâ voce* evidence was certainly requisite. Were the rules of the court of King's Bench to obtain in the House of Lords, the question would be wholly at an end, and the right of impeachment at once annihilated, since it were better to file an indictment in the one, than prefer an impeachment in the other. But the object of impeachments was to bring delinquents to justice, who would escape if tried according to the ordinary rules of the courts of justice. The practice of the House of Lords was incompatible with that of the other courts, in regard to *vivâ voce* evidence, and decision without separating.—Notes were in constant practice, and written evidence consulted, without which it were impossible, in case of impeachment, to reduce, under one view, the whole body of the evidence ; for there were few instances in which impeachments did not occupy some days ;—written evidence was, then, as indispensable in a trial of ten days as in one of three years. But it was said that, in a long impeachment, in consequence of the constant change of members in the House of Lords, some who had been accusers became judges. In reply, Mr. Pitt observed, that there was no period of prorogation to which the same objection would not apply. The members who were so circumstanced certainly could not be deprived of their judicial powers ; at the same time, the exercise and application of those powers remained at the sole disposal of their own feelings and consciences. It was an unavoidable circumstance, incidental to the nature of such a proceeding, as an impeachment, from which no danger of injustice could be apprehended, with any shadow of reason.

When it was once established, that the right of impeachment did not abate by dissolution, the discretion of the House would next decide whether it were expedient to prosecute the impeachment in question any farther, or what line of conduct should be pursued in respect of it. No fair objection could be urged from any defect of information. The court in which the trial had been conducted, was accessible to all ; all the reports, and papers, respecting the evidence, were open to

general inspection ; so that it was entirely at the option, not only of every member of the House of Commons, but also of every British subject, to remain in ignorance of any part of the proceedings. Mr. Pitt wished it to be understood by all, as an established and incontrovertible principle, that impeachments continued in *statu quo*. A contrary mode of proceeding would be attended with consequences destructive of the privileges of the House, as well as injurious and prejudicial to the cause of the party accused. If an offence, for instance, were committed, the conviction for which required a proceeding by impeachment, upon the eve of a dissolution of Parliament, the prosecution might be postponed until the meeting of a new Parliament, in order to avoid a repetition of the proceedings ;—the consequence, naturally to be apprehended, was, the escape of the delinquent. If, on the other hand, an impeachment had been carried on for such a considerable length of time, as to exceed a dissolution of Parliament, the repetition of the proceedings in that case might materially impede the progress of public business. The death of a witness, in the mean time, might also very considerably affect the state of the evidence ; and an impeachment, by this mode of proceeding, might be converted into an engine of oppression and injustice. Suppose the party impeached to have made some progress in his defence, his accusers might possess sufficient influence to procure a sudden dissolution of Parliament ; the consequence might be a fresh accusation against him, fabricated out of his own defence. By such a nefarious proceeding, an individual might continue to be the object of a public prosecution all his life time, without the means of being pronounced either innocent or guilty. Thus an impeachment must continue in *statu quo* after a dissolution, or the privileges of Parliament must suffer violence, and the cause of the accused sustain irreparable injury, and intolerable oppression. He was, therefore, decided in his opinion, from the weight of precedents, from the principles of the constitution, from the authority of the greatest luminaries of the law, from the immutable principles of justice, from the expediency of public trials, and from every argument of plain common sense, that impeachments not only continued unaffected by a dissolution of Parliament, but existed in *statu quo*, notwithstanding the operation of such an event ;—he

therefore should vote, with cheerful confidence, for the motion of Mr. Burke.

This debate lasted, by adjournment, for three days, and was maintained, on both sides, with an infinite degree of acuteness and ability. It is remarkable, that the principal speakers, in favour of the abatement of impeachments by a dissolution, were lawyers; among whom were Sir John Scott, (now Lord Eldon) Mr. George Hardinge, and Mr. Erskine. Though their arguments do not appear conclusive on the point on which they were intended more immediately to bear, they were sufficient to convince impartial men of the dreadful inconveniences attending the mode of prosecution by impeachment; a mode to which recourse should never be had, except in cases of notorious delinquents, whose offences would pass unpunished, unless a proceeding of this nature could be instituted. But surely it would be better to enact new laws, for the punishment of such offences, by the regular Courts of Judicature, than to recur to an extraordinary process, pregnant with so much hardship to individuals, and open to so many *juridical* objections. It is more consonant, too, with the principles of the constitution, to *define* both offences and punishments, that no man may plead ignorance of the one in order to avoid the other.—As to the *judicial power* of the House of Commons, it were much to be wished, that its nature, and extent were as precisely ascertained as the rights and powers of every other court;—the less, however, it is exercised the better;—for, in a deliberative assembly, so essentially popular, more party-spirit must necessarily prevail than is consistent with that impartiality and rectitude which ought invariably to distinguish the exercise of judicial powers.—And in most cases of impeachment, this spirit is called forth in a particular manner.—Still, notwithstanding this potent objection, the power in question is less to be deprecated in cases of impeachment, than in those cases in which the Commons act, at once, as parties, judges, and jury; thus exhibiting a legal anomaly which no friend to justice can contemplate without dread. When the question for the chairman to leave the chair was put, it was lost by a considerable majority; only thirty having voted

for it, and one hundred and forty-three against it. Mr. Burke's motion was then carried without a division.

[1791.] Whether it was owing to the observations made during this discussion, or to a conviction of the hardship to which an individual was exposed from a prosecution extended beyond all ordinary bounds, Mr. Burke, on the 14th of February, (1791) made a motion for limiting the impeachment to one single charge more. In the course of his observations on the subject, he complained bitterly of the obstacles which the managers had experienced, particularly in the restrictions imposed on them with regard to evidence. He contended, from authorities, which he represented as incontrovertible, and from the uniform practice of Parliament, that the tribunal of the Lords ought not to be regulated by the forms of the civil or common law, or by customs of inferior courts ;—That it possessed a law and usage of its own, perfectly distinct, and of superior dignity—That the managers of an impeachment had always claimed, as a privilege, an ignorance of the municipal law ; and, without considering themselves as bound by any forms, had always acted merely from the facts before them, upon the evident principles of common sense,—That they had constantly pleaded in the plainest language, and not in the technical terms of the courts ;—That, as the privilege of impeachment had been intended for the security of liberty and law, it ought not to be straitened in its operation. Here it must be observed, that the House of Lords should be allowed to judge of its *own law and usage*, as every other Court of Judicature is ; and should not suffer the parties who come before it to dictate the line of conduct which it ought to pursue ; otherwise this supreme court, to which a paramount authority is, in all other points, ascribed, would, in a most important particular, be deprived of the privilege enjoyed by subordinate tribunals. In the next place, if the managers of an impeachment are to be exempted from the salutary restraints which the settled law of evidence imposes ; and if they are not to be straitened in their operation, in other words, not to be subjected to any of the established rules of law, but to be above the law, it is high time that a stop should be put to such a mode of

prosecution, and that other means than impeachment should be devised for the punishment of state-criminals. The House of Commons themselves, the prosecutors, first acting as a grand jury, claim an exemption from all those restraints, in the reception of evidence, to which all grand juries are, by law, subjected.—Then, acting as prosecutors, when adducing evidence in support of their own charges, they assert their right of compelling the court, before which they plead, to receive such evidence as no other court could receive, thus dictating, as it were, to the judges, who are ultimately to decide on the justice, or injustice, of their accusation!—To those who think that the *forms* of the law are of the *substance* of the law, and who believe the law of evidence to be the most wise, judicious, and effectual, for the protection of innocence, of any system of law ever devised by human ingenuity for that purpose, such pretensions must, it is conceived, appear subversive both of liberty and of law; and certain it is, that when the vast disadvantages under which any individual labours, who stands impeached by the House of Commons, are considered, disadvantages arising partly from the great influence of their authority, and partly from the publicity of their proceedings, and the consequent impression on the minds, not only of the public, but of the judges themselves;—when these are considered in conjunction with the other exorbitant pretensions of the House, all tending to the prejudice of the parties accused, it is impossible not to deplore the necessity of similar prosecutions!

Some debate occurred, on this motion of Mr. Burke, in the course of which it was proposed to proceed no further with the impeachment; but this was strenuously opposed by Mr. Pitt, who repeated all his former arguments on the subject, and contended for the necessity of prosecuting the charges to judgment. The Opposition was sanctioned by the majority of the House, and the managers proceeded as usual.—But, on the 23d of May, Mr. Loveden, convinced, as was, indeed, the majority of the nation, of the unreasonable length of the trial, proposed, that an address should be presented to the King, praying his Majesty to continue the session until the trial should be finished.—This motion was objected to as a violation of the Royal Prerogative; and it was, ultimately, rejected. It would, however, be most wise,

if no adequate substitute for impeachments could be adopted, to pass a law to compel the court, before which they are to be tried, to sit, *de die in diem*, until they are brought to a conclusion, and judgment pronounced.—Mr. Burke's motion was carried.

The King's speech having adverted to hostilities begun in our Asiatic territories, that subject was discussed, in the House of Commons, in the months of February and March.—The war had been occasioned by the unprovoked attack on the territories of our ally, the Rajah of Travancore, by Tippoo Sultaun.—It was contended, by several members of the House, that the attack was justified by the laws of the country; that it by no means afforded a sufficient ground for war; and that it was the height of impolicy to enter into an alliance with the Mahrattas.—Mr. Fox, in particular, reprobated the alliance in very pointed terms, and expressed his conviction that its object was to extirpate Tippoo, and to plunder his territories.—This object, however, was most peremptorily disclaimed by Mr. Pitt, and all the motions of Mr. Francis, tending to censure the principles of the war, and to prevent its further prosecution, were negatived, and resolutions, of a directly contrary nature, proposed by Mr. Dundas, received the sanction of the House.

Early in the present session a committee had been appointed, on the motion of Mr. Wilberforce, for receiving and examining evidence, on the subject of the Slave Trade, as a preliminary measure to another motion for its abolition. A great mass of evidence had, in consequence, been collected; and, on the 19th of April, leave to bring in a bill for that purpose was accordingly moved for. Mr. Pitt spoke in favour of the motion, and declared that in all the questions, whether political or personal, in which he had ever engaged, there never had been one in which his heart had been so deeply interested as in the present, both on account of the serious principles which it involved, and of the important consequences with which it was connected. He argued the question on the two-fold ground of justice and of policy. Convinced as he was, that the trade was founded in injustice, it was impossible for him to give his support to its continuance, unless he

could be convinced, that there was no laws of morality binding upon nations, and that it was no duty of a legislature to restrain its subjects from invading the happiness of other countries, and from violating the fundamental principles of justice.

If this broad principle could be supported, it was perfectly needless to enter into any further discussion; for the injustice of the trade being once admitted, no arguments, founded on the policy or expediency of the measure, could possibly avail. But as it had been long expressly sanctioned by Parliament, and as, in consequence of such sanction, considerable fortunes had been embarked in it, justice required that the degree of injury to be sustained by its abolition should be ascertained, and that Parliament should be pledged to make ample compensation for the same. Mr. Pitt, however, undertook to prove not only the injustice and inhumanity of the trade, but that its abolition would be productive of no injury to the proprietors of West India estates.—This last point he endeavoured to establish by a comparative statement of the deaths and births of slaves, in Jamaica, from which he inferred, that the population might be kept up without any further importation.—But, in discussing the *justice* of the measure, it was impossible for him not to perceive that if the trade was originally *unjust*, so as to render it improper to be continued, it would be equally improper to profit by the fruits of *injustice*;—and that, if no more slaves ought to be made, those already made ought to be restored to liberty. Mr. Pitt, however, was too much of a practical politician to carry the principle which he had adopted, in this instance, to its natural extent. He truly represented the question of emancipating the slaves in the West-Indies, as a *delicate question*. A rash emancipation, he was clear, would be wrong and mischievous. In the situation in which the slaves were placed, it would be no justice on either side to give them liberty.—They were as yet incapable of it, but gradually their situation might be mended.—They might be relieved from every thing harsh and severe, raised from their present degradation, and put under the powerful protection of the law; till then, to talk of emancipation was insanity. But it was the system of fresh importations which interfered with these principles of improvement, and it was the

abolition of the trade which could furnish the means of effectually regulating the situation of the slaves in our islands. This was not a loose idea, taken up without reasoning and reflection, but it had its foundation in human nature;—wherever there was the incentive of honour, credit, and fair profit, there industry would be; and when these labourers should have the natural springs of human action afforded them, they would then rise to the level of human industry; but when degraded into mere machines, they would not even afford the benefit of machines, but become more unprofitable, and every way more disadvantageous, than any other instrument of labour whatsoever.

In opposition to Mr. Pitt, and to those who embraced the same side of the question, it was contended, that the trade was just, politic, and humane;—and many ingenious, and some solid, arguments were urged in support of these several positions. In behalf of its humanity, it was remarked, that, bloody as it was supposed to be, the effusion of blood would be much greater if our slave-ships were no longer suffered to visit the coasts of Africa. It was this identical traffic, iniquitous and inhuman as it had been called, which snatched many miserable wretches from inevitable death; it being the general practice of the Africans to sell those prisoners and culprits only, whom otherwise their sanguinary laws and customs compelled them to murder.—Considered in this point of view, this calumniated trade, so far from having sacrificed, had saved, the lives of thousands.—These arguments prevailed, and the motion for abolishing the trade was negatived by a majority of nearly two to one.

A spirit of philanthropy, highly laudable, however occasionally mistaken in its application, evidently pervaded the minds of the leading public characters of this period.—After discussing the question of the Slave Trade, a question, certainly, of great importance, whether considered as involving the principles of justice and humanity, on the one hand, or as affecting the prosperity, and even the security, of our colonial settlements, on the other, was soon followed by another discussion, originating in the same spirit. The Romanists, by their

attachment to the House of Stuart (an attachment in itself most praise-worthy, and only criminal in the excesses to which it led) had been induced, in various instances, to act in a manner clearly inconsistent with their duty as British subjects.—But as their conduct had, for many years, been peaceable and unobjectionable, it was considered, in the year 1778, proper to relieve them from the operation of many severe statutes, which had been passed against them, and which never would have been enacted if they had not been regarded as necessary for the safety of the state. Sir George Saville, at that period, brought in a bill for the repeal of certain penalties and disabilities, imposed by an act of the 10th of William III. for preventing the further growth of popery.—By this act, popish priests and jesuits, who should officiate in the Romish churches or chapels, were declared guilty of felony, if foreigners; and of high treason, if natives: popish heirs, if educated abroad, forfeited their inheritance, and their estates descended to the next protestant heir.—A son, or other nearest protestant relation, might take possession of the estate of a father, or other next of kin of the popish persuasion, during the life-time of the real proprietor; and papists were excluded from acquiring almost every species of property.—These were certainly hardships and disqualifications which nothing but the most imperious necessity could justify;—they tended to sow the seeds of family discord, and to loosen many of the bonds of society.—The bill for their relief, therefore, was cordially received by all parties, and passed into a law with little opposition. But this partial relief by no means satisfied the Romanists, who conceived themselves entitled to every privilege enjoyed by the members of the established church. One of their most learned and enlightened ministers had no scruple to make the following public avowal, in the year 1781: “The boasted excellencies of the British constitution are nothing to me, who am deprived of *the common rights of humanity*; they only serve to make my condition more irksome, and to create *a restless desire of change and revolutions.*”* This writer

* *The state and behaviour of English Catholics, from the Reformation to the year 1781.* Second edition, p. 133.—This tract, though published anonymously, is well known to be the production of the Rev. Joseph Berrington, the author of several publications of distinguished merit.—The principles of this gentleman, however, were deemed too *liberal*

should have been candid enough to admit, that the toleration, now enjoyed by the English papists, was much greater than was allowed to the protestants in any country in which popery was the established religion of the land ; and he was too intelligent not to know, that the *rights of humanity*, and *political rights*, which he here seems to have confounded, are very different things.

In May, 1789, the *English Catholic Dissenters*, as they styled themselves, presented a petition to the House of Commons, praying to be relieved from the disabilities under which they laboured. In this petition they acknowledged, that they should merit the reproach of being dangerous enemies to the state, if it were true that they had adopted the maxims imputed to them ; but they expressed their detestation of those unchristian-like and execrable maxims ; and asserted that they ought not to suffer on account of any wicked erroneous doctrines which might have been holden, or that might still be holden, by any foreign Roman Catholics, which doctrines they publicly disclaimed. They observed, that they had been publicly accused of holding, as a principle of their religion, that persons excommunicated by the Pope and council, or by authority of the See of Rome, might be deposed or murdered by their subjects or other persons.—But so far was this unchristian-like and abominable position from being a principle which they, the petitioners, held, that they rejected, abhorred, and detested it, and every part of it, as execrable and impious, and they solemnly declared, that neither the Pope, either with or without a general council, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, could absolve the subjects of this realm, or any of them, from their allegiance to George the Third, who was, by authority of the legislature, the lawful King of this realm, and of all the dominions thereunto belonging.

They next noticed the charge which had been preferred against them, of holding, as a principle of their religion, that implicit obedience

by the seniors of his church ; and, if our memory do not fail us, he took a different part from the leading popish ecclesiastics, in a point relating to the papal authority in this realm.

was due from them to the orders and decrees of Popes and general councils ; and that, therefore, if the Pope, or any general council, should, for the good of the church, command them to take up arms against government, or by any means to subvert the laws and liberties of this country, or to exterminate persons of a different religion from the petitioners, their accusers asserted, that they held themselves bound to obey such orders or decrees on pain of eternal fire. Whereas they positively denied that they owed any such obedience to the Pope and general councils, or to either of them.—On the contrary, they believed that no act, immoral or dishonest in itself, could ever be justified by, or under colour of, its being done for the good of the church, or in obedience to any ecclesiastical power whatever. They acknowledged no infallibility in the Pope ; and they neither apprehended nor believed that their disobedience to any such orders or decrees (should any such be given or made) could subject them to any punishment whatever. They solemnly declared, that no church, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, had, or ought to have, any jurisdiction or authority whatsoever within this realm, that could directly, or indirectly, affect or interfere with the independence, sovereignty, laws, constitution, or government thereof ;—or the rights, liberties, persons, or properties of the people of this realm, or any of them, save only and except by the authority of Parliament ; and that any such assumption of power would be an usurpation.

They had been further accused of maintaining, that the Pope, by virtue of his spiritual power, could dispense with the obligation of any compact or oath taken, or entered into, by any person of their religion ; that, therefore, no oath of allegiance, or other oath, could bind them, and, consequently, that they could give no security for their allegiance to any government. The petitioners admitted that this conclusion would be just if the original proposition upon which it was founded were true ; but they positively denied that they held any such principle ; and, they solemnly declared that neither the Pope, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, could absolve them, or

any of them, from, or could previously or subsequently dispense with, the obligations of any compact or oath whatsoever.

The next accusation to which the petitioners adverted was that of holding, as a principle of their religion, that not only the Pope, but even a priest, had power, at his will and pleasure, to pardon the sins of the Roman Catholics; and, therefore, that no person of that persuasion could possibly give any security for his allegiance to any government; inasmuch as the Pope, or a priest, could pardon perjury, rebellion, and high treason. The petitioners also acknowledged the justness of this conclusion, if the proposition on which it was founded were not totally false; but they solemnly declared that, on the contrary, they believed, that no sin whatever could be forgiven at the will of any Pope, or of any priest, or of any person whomsoever,—but that a sincere sorrow for past sin, a firm resolution to avoid future guilt, and every possible atonement to God and the injured neighbour, were the previous and indispensable requisites to establish a well-founded expectation of forgiveness.

The last charge to which they referred, was that of maintaining that faith was not to be kept with heretics, so that no government, which did not profess the same religion with themselves, could have any security from them, for their allegiance and peaceable behaviour. They rejected, reprobated, and abhorred the doctrine that faith was not to be kept with heretics, as being contrary to religion, morality, and common honesty; and they held, and solemnly declared, that no breach of faith with, or injury to, or hostility against, any person whomsoever, could ever be justified by reason of, or under pretence, that such person was a heretic or infidel.

And they further solemnly declared, that they made this declaration, and protestation, and every part thereof, in the plain and ordinary sense of the words of the same, without any evasion, equivocation, or mental reservation, whatsoever; and they conceived that they who thus solemnly disclaimed, and from their hearts abhorred, these abominable and unchristian-like principles, ought not to be put

upon a level with any other men who might hold and profess those principles.*

These petitioners certainly described themselves, with great justice, Roman Catholic dissenters, for they did dissent, and that most essentially, from several of the avowed and recorded tenets of the Church of Rome, to be found in the decrees of her councils, and from many of the principles more recently promulgated in the pastoral letters of some of her bishops.† No renunciation could be more express, unequivocal, and satisfactory;—and the tenets and principles renounced were those which, more than any other, rendered the Romanists dangerous subjects to a protestant King. It, therefore, would have been highly unjust to confound these dissenters with the staunch members of the Romish church, who maintained such principles, who deemed their church infallible, and who held themselves bound to pay implicit obedience to the decrees of her general councils.

It was from the favourable impressions excited by these circumstances, that Mr. Mitford (the present Lord Redesdale) was induced to propose measures for the further relief of Roman Catholics of this

* See this petition, at length, among the state papers, in the Annual Register for 1789.

† In the general decree of the Council of Constance, of the 19th session, A. D. 1415, it was declared, that “*Faith is not to be kept with heretics, or persons suspected of heresy, notwithstanding they might be provided with safe conducts from Emperors and Kings.*”—And this decree was confirmed by the Council of Siena, A. D. 1423. A letter from Pope Martin V. in the same year, explicitly states this doctrine.—And an earlier decretal of Pope Gregory XI. who was elected in 1370, expressly absolves subjects from *oaths of fidelity, homage, and allegiance, to any person whosoever, fallen manifestly into heresy.* The bull of Pope Pius V. dated February 24, 1569, “*against Elizabeth, pretended Queen of England, and the heretics adhering to her; by which all her subjects declared to be absolved from their oath of fidelity, and from any other duty; and they who may obey her hereafter, are involved in an anathema,*” is well known. Pope Gregory XIII. too, issued a similar bull, on the 13th of May, 1580, to incite the Irish to rebellion against Elizabeth, by the promise of the same plenary pardon, and remission of sins, as were granted to persons engaged in a holy war against the Turk, or other infidel possessor of the Holy Land. In short, all the principles renounced by the dissenting Catholics, on this occasion, are to be traced in the authentic documents of the Romish Church, from the middle ages to the present time.

description. On the 21st of February, 1791, he moved for leave “to bring in a bill to relieve, upon conditions, and under certain restrictions, persons called Protesting Catholic Dissenters, from certain penalties, and disabilities, to which papists, or persons professing the popish religion, are, by law, subject.” In his preliminary observations, Mr. Mitford remarked, that it was very well known, that the laws against Roman Catholics were very severe, but that the extent of their severity was not equally known. In Burn’s Ecclesiastical Law, no less than seventy pages were filled with an enumeration of the penal statutes still in force against them. The present reign was the only one, except the short one of James the Second, since the reign of Queen Elizabeth, in which some additional severity had not been enacted against this description of people.—He observed, however, that the extreme rigour of the statutes, in question, during the reign of Elizabeth, could not be a subject of wonder, when it was considered that the Pope had excommunicated that Queen, and absolved her subjects from their oath of allegiance.

Mr. Windham seconded the motion, which was supported by Mr. Stanley and Mr. Fox.—The last of those gentlemen considered the bill as too limited in its views, and expressed his wish that a complete toleration should be established: he did not, however, venture to define the boundaries of toleration.—He asserted, indeed, that the state had no right to enquire into the opinions of people, either political or religious,—it had a right only to take cognizance of their actions; such persecution and oppression, as, he said, existed in England, did not exist in any other country.—In all the King of Prussia’s dominions universal toleration prevailed; in the United States of Holland, in the United States of America, and in France, there was likewise to be found universal toleration. What could be the reason of this? Would it be said that Prussia was too little monarchical for a monarchy, or Holland too little aristocratical for an aristocracy; or that liberty was not sufficiently extended to satisfy the friends of freedom in America or in France? Yet, although toleration fully obtained, in a monarchical and in an aristocratical govern-

ment, as well as in two democracies, under our boasted constitution it was narrowed and confined in shackles disgraceful to humanity.

Mr. Fox must have known very well, that neither in Prussia nor in America, did the same reasons subsist which subsisted in this country, for imposing extraordinary restrictions on the Roman Catholics. In America, indeed, there is no established religion, and, consequently, there can be no necessity for such restrictive laws. As to the *universal toleration* said to prevail in France, unless Mr. Fox meant to refer to *revolutionary* France, it is impossible to conjecture from what source he derived his information. Subsequent to the revocation of the edict of Nantz, in the reign of Louis the Fourteenth, nothing like religious toleration was known in France; all protestants were deemed *heretics*,—they were allowed no place of worship, and were even denied christian burial. If Mr. Fox alluded to France since the Revolution, he had no right to found any argument on a system still in its infancy; and if any judgment were to be formed from the *result* of such system, it would be adverse to his principle; for the consequence of the *toleration* established by the Revolution was the total annihilation of all religion in that distracted country. Mr. Fox must have known very little of human nature, if he supposed that religious opinions had no influence on political conduct,—and must have been a bad statesman if he were hostile to a system of *preventive policy*. Opinions, generally speaking, are certainly not cognizable by government, so long as they are confined to the persons who entertain them, or to the immediate circle in which they move; but the moment they are published, if they contain any thing hostile to the constitution, or have any tendency to excite disaffection, or to disturb the public peace, they become fit subjects for cognizance, for animadversion, for censure, or for prosecution, according to the degrees of danger consequent on their circulation.

The bill passed through both Houses, without a dissenting voice. In the House of Lords, Dr. Horsley, Bishop of St. David's, suggested an alteration, in the form of the oath of allegiance, proposed

to be taken by the persons whom the bill was destined to relieve. As the oath was framed in the bill, the doctrine that Princes excommunicated by the see of Rome might be deposed and murdered by their subjects, was declared to be impious, heretical, and damnable. Now, that the doctrine justly deserved the application of such epithets, no sober christian could deny. But the Bishop observed, that though those Romanists felt not the least disinclination to express their disapprobation of such a doctrine, from scruples, founded on a tender regard for the memory of their progenitors, they could not bring themselves to brand it with the harsh terms which the oath prescribed.—If this were the case, they could not entertain a just opinion of the doctrine, nor feel a proper abhorrence from it; for that doctrine is an express violation of one of the positive commands of God, and, therefore, it must be impious, heretical, and damnable: no terms, less strong, could fairly characterize it; and no reasonable objections could be harboured, by any persons who really condemned the doctrine, so to describe it; and how the Bishop, then, could represent objections to such an oath, as “fair, honest, and conscientious scruples,” it is not very easy to conceive. The House, however, adopted his Lordship’s idea, and the oath was altered so as to suit the consciences of the Romanists.

When Canada was ceded to this country by France, and became a British colony, the King had promised its inhabitants the benefits of the British constitution. The French settlers in that country, and the native Canadians, had been joined by a considerable number of British subjects, and by Royal emigrants from America; and these were most anxious to secure the advantages which the Royal promise had held out to their expectations. The ministers had, for some time, directed their attention to the subject, and it was recommended to the immediate notice of Parliament, by a message from the King, in the present session. Accordingly, on the fourth of March, Mr. Pitt moved for leave to bring in a bill for regulating the government of Canada; and he entered into a long and minute detail of every provision which he meant to propose.—It was intended to divide the country into two provinces Upper and Lower Canada, and to establish

two distinct governments. The legislature of each province was to consist of a Council and House of Assembly; the members of the Assembly were to be chosen by freeholders, possessing landed property to the amount of forty shillings a-year, or occupiers of houses worth twenty pounds a-year; and the members of the Council were to hold their seats for life; with the reservation of a power to the Crown, for annexing, to certain honours, an hereditary right of sitting in the Council. The Habeas Corpus Act was to be rendered a permanent law of the colony. A provision was to be made for the protestant clergy, by an allotment of lands. Appeals were to be allowed to the Privy Council, in the first instance, and from thence to the House of Lords. Great Britain renounced the right of taxation; no taxes were to be imposed but such as were necessary for the regulation of trade and commerce; and these only by the legislature of the country.

This bill, relating to the government of a distant province, was not calculated, in itself, to excite much interest in this country, nor much opposition in Parliament. But, connected with the new principles which the French Revolution had set afloat in the world, any question, involving political considerations on the formation of a new constitution, might very easily be made a pretext for the approbation and diffusion of those principles. The bill, however, passed through its first stages without opposition, and almost without debate. It was read a first and second time; it passed the committee, and the report was received by the House; and nothing like disapprobation was shewn. But, to the surprize of every one, on the second consideration of the report, on the 8th of April, Mr. Fox, who had hitherto given, at least, his tacit approbation to the bill, stood forth its determined opponent.—He began by expressing his hope, that, in promulgating the plan of a new constitution, the House would keep in view *those enlightened principles of freedom* which had already made a rapid progress over a considerable portion of the globe, and were every day hastening, more and more, to become universal.

Mr. Fox then proceeded to object to almost every leading feature of

the bill, though he had suffered all the usual stages, in which opposition is made to any parliamentary measure, to pass without a single expression of discontent at any one of its provisions. The plan of dividing the colony into two provinces he now condemned. It had been remarked, that, by this regulation, the French and English Canadians would be completely distinguished from each other;—but he considered such a measure as most mischievous; and maintained that it would be the wisest policy to form the two descriptions of people into one body, and endeavour to annihilate all national distinctions. He next objected to the proposed mode of representation. He thought the number of members in the two assemblies, the one sixteen, and the other thirty, much too small. A country, like France, three or four times larger than Great Britain, might require a proportionably greater number of representatives; but the reverse did not equally follow. He disapproved of the clause which permitted the same assembly to remain undissolved for the period of seven years; and he declared himself unable to comprehend why a septennial bill should be preferred to an annual or a triennial one. By a septennial bill Canada would probably be deprived of several of the few representatives that were allowed it; for as most of its more respectable citizens were persons engaged in trade, they would probably be unable to attend their legislative duties for so long a period.

The mode of composing the legislative councils was equally condemned by Mr. Fox: instead of being hereditary councils, or councils named by the King, as in our West Indian islands, or chosen by electors, as in the United States of North America, they were to be compounded of the two first. For his own part, he said, he should have preferred a council, freely and frequently elected. On no terms would he have had hereditary counsellors. He meant not to discuss the general proposition of what utility hereditary powers and hereditary honours might be, abstractedly considered; but he confessed, that he saw nothing so good in them as to make him wish for their introduction among a people to whom they were, at present, unknown. In kingdoms where they already formed a part of the constitution, he did not think it *prudent* to destroy them, but to give them birth in

countries where they had no previous existence, appeared to him extremely unwise. He could not account for such a proceeding, unless it was from a wish that, as Canada had formerly been a French colony, an opportunity might be afforded of reviving those titles and honours, the extinction of which some gentlemen so much deplored, and of awakening in the West, that spirit of chivalry which had so completely fallen into disgrace in a neighbouring kingdom. He asked, if these red and blue ribbands, which had lost their lustre in the old world, were to shine forth in the new? It seemed to him peculiarly absurd to introduce hereditary honours in America, where those artificial distinctions stank in the nostrils of the natives.*

Here Mr. Fox spoke pretty plainly in favour of those revolutionary principles which were now afloat in the world. While he openly condemned the introduction of a distinction of ranks in a political society about to be formed, and exerted all his eloquence to render such distinction an object of derision and contempt, he spoke with cautious diffidence, and studied doubt, on the destruction of hereditary powers, and hereditary honours, in those states where they had already formed a part of the constitution, reducing the abolition of them to a mere question of *prudence*.—Now, admitting that to destroy one essential part of a constitution, is only a matter of *prudence*, it follows, almost of course, that the destruction of any other part must be merely a prudential consideration also. And if it may be prudent to destroy *the hereditary powers*, and *the hereditary honours*, of the aristocracy, so it may be deemed equally prudent to destroy *the hereditary powers*, and *the hereditary honours*, of the Sovereign. This inference was actually, and most naturally, drawn, by the *practical patriots* of France, who, certainly, to do them justice, in point of *consistency*, left the

* This account of Mr. Fox's speech is taken from Dodsley's Annual Register, after a careful comparison of it with the Reports in the different Parliamentary Debates. The writer of the historical part of that work had evidently paid great attention to this subject, and exercised the greatest circumspection in his narrative of the different facts. And he is entitled to more credit than, perhaps, any writer of the day, from the deep interest which he took in the discussion, and from the manifest concern which he felt for the difference which it produced between the two great leaders of the Opposition.

speculative patriots of Great Britain far behind them. But nothing could be more unwise than the promulgation of such sentiments at such a period ; as they went to destroy the very root of civil subordination ; to loosen the main links by which the chain of society is connected ; to render uncertain and precarious those principles of government, the stability and permanency of which are essential to its efficacy and security ; and to encourage that revolutionary spirit, of the prevalence of which, in this country, some manifest symptoms had recently been exhibited.

Mr. Fox stated various other objections to the bill ;—the appropriation of one-seventh of the lands to the clergy he disapproved as an exorbitant allowance ; and he thought that no appeal should lie to the King in council, but immediately to the House of Lords. And, at the close of his speech, he observed that ministers might have found better models for a new constitution in the governments of the United States of North America. As the love of liberty, he said, was gaining ground, in consequence of the diffusion of literature and knowledge through the world,—a constitution ought to be formed for Canada, as consistent as possible with the genuine principles of freedom. The bill, in his opinion, would not establish such a government, and that was his principal reason for opposing it.

It is so seldom that legislative assemblies are called upon to decide upon the question of forming a new constitution for a country, that it becomes difficult to prescribe particular rules or limits to any discussions which such question may occasion. Nothing, however, can be more natural, or more justifiable, in any member who wishes to deliver his sentiments on the subject, than a reference either to abstract principles of government, or to the constitution of other States ; since it is from a comparison between different forms of government, and from the practical results of each, as recorded in history, or collected from experience, that political wisdom may be gleaned, and a fair criterion of judgment be frequently formed. So far, then, Mr. Fox was, undoubtedly, regular in his introduction of his remarks upon the revolution in France, and on the political system of America. But it

seems impossible to deny, that the tendency, at least, of his speech was favourable to republican principles.

He was answered by Mr. Pitt, who, with his wonted prudence, cautiously abstained from any declaration of sentiment respecting the comparative excellence of any existing governments. He considered the division of Canada into two provinces to be a fundamental part of the bill, as being the most likely method to produce that coalition of French and English parties, which he admitted, with Mr. Fox, to be extremely desirable. If there were to be only one House of Assembly, and the two parties, as might be sometimes expected, prove equal, or nearly equal, in numbers, a perpetual scene of factious altercation would succeed, and the breach become wider. On the other hand, by the establishment of two distinct assemblies, all cause of complaint would be removed; while the French subjects, being left to their own free choice, and not influenced by the pride of party, would, most probably, adopt the English laws, from an unprejudiced observation of their superior utility.

He conceived that the number of which the assemblies would consist, according to the present population of Canada, could not, with propriety, be augmented; but that, when the population should be increased, there would not be the smallest objection to any reasonable addition. As to the duration of the assemblies, he preferred the term of seven years to any shorter period; particularly as the governor would have less influence in the Canadian councils and assemblies, than in those of our West Indian colonies.

Mr. Pitt expressed his total dissent from the opinion of Mr. Fox, that the legislative council should be elective, according to the plan adopted in America. He would not inquire whether France and America had chosen wisely for themselves, under the peculiar circumstances of the respective countries, but he had no difficulty in declaring, that he was convinced our own constitution was best for us. He did not wish to use the word *Republicanism* in an obnoxious sense; but he was fully persuaded, that none of those republican principles which Mr.

Fox had described, as resulting from a greater extension of light and learning, and which were supposed to give unparalleled splendour to the constitutions of France and America, would improve the British constitution. An aristocratical principle being one necessary part of a mixed government, he thought it proper that there should be such a council in Canada, as was provided by the bill, and which might, in some degree, answer to our House of Lords.

In respect of the proposed allotment of lands to the clergy, Mr. Pitt remarked, that this proportion (much less than one-tenth of the produce of lands) had almost become an established custom in England, where land was given in commutation for tythes. But this, as well as every other part of the bill, Mr. Pitt said, might become a subject of future revision, by re-committing the bill.

In the interval which occurred between the different stages of this bill in its progress through the House, two motions were made, one by Mr. Grey, and the other by Mr. Baker, for a committee on the state of the nation.—In the discussion, which took place on the first of these, Mr. Sheridan avowed his adherence to all the principles advanced by Mr. Fox.—He held forth the ancient government of France as characterized by a busy, restless spirit of intrigue; he considered the enmity between the two countries as now *totally past away*, and he recommended the preservation of peace on our part.—“ *He hoped that* “ what had happened in France would prove an useful lesson here, and “ that we should have leisure to improve by studying it:” and he charged ministers with being eager to cultivate all the vices of the old French system, and to despise all the virtues of the new.

The habits and pursuits of Mr. Sheridan were not adapted to the acquisition of that knowledge which could enable him to speak, with decision, upon the respective merits or demerits of the ancient, and of the new, government of France. He was now only playing a part which he had learned by rote on the political stage;—he was a servile imitator of Mr. Fox;—and sought to derive an adventitious consequence from attaching himself to that leader of a party, at a time

when all that was respectable for rank, for talents, or for integrity, condemned his conduct, and evinced a disposition to leave him to the consequences which his own wayward disposition, and restive ambition, were calculated to produce. In speaking on Mr. Baker's motion, Mr. Fox, as if encouraged by the support of his political *Pierrot*, entered into a still more unequivocal and explicit avowal of his sentiments. He did not scruple to acknowledge, that his whole system of external politics had been changed by the change of the French constitution. He had formerly been anxious for maintaining the balance of power, but now he owned himself to be very indifferent about it; not because our ancient rival and enemy might seem too poor or too weak to give us any immediate disturbance, but *because she had erected a government, from which neither insult nor injury could be dreaded by her neighbours*. He considered the internal relation of that government for its tendency to promote the happiness of its subjects; and advert- ing to the different opinions entertained on the subject, he avowed his admiration of the new constitution of France, as *the most stupendous and glorious monument which human integrity had erected to human happiness in any time or country*.

Mr. Fox is said to have afterwards qualified this unqualified approbation of the new French constitution, which it was utterly impossible for any Briton to admire without condemning the British constitution, from which it radically differed in every essential constituent of civil government.—But whatever Mr. Fox might have declared in private, history will judge *him* by his public professions.—Had his object been to encourage the French regicides to persevere in their destructive course; or to hold out incitements to the revolutionary clubs, now forming in England, to follow their example, he could not have taken more effectual means for promoting its success. The minor satellites, which moved round the revolutionary planets, wanted only the cheering heat of his applause to convert them into planets, and to secure satellites of their own.—The obscure sons of sedition required only the sanction of some man of high talents, and high political reputation, to give them weight and influence with their associates, and their dupes. The authority of Mr. Fox answered their purpose effectually; and they

had no need to put a false construction on his language, in order to render it subservient to their views.—It was easy, nay, it was natural, to infer from it a perfect approbation of the principles avowed by the French reformers, if not of the practices to which recourse had been had for carrying those principles into effect.—And, as these principles were totally hostile to the principles of the British constitution, not only as maintained by the Monarchs of the Stuart line, but as understood and explained, by the principal actors in the revolution of 1688, there could be no difficulty in persuading the lower classes of people, who constitute the physical force of every state, that the attempt to assimilate the Government of Great Britain to the new government of France, by annihilating the aristocracy, and all the prerogatives and power of the Crown, would, by its tendency to promote the happiness of the subject, ensure the approbation of Mr. Fox, and extort the gratitude of posterity.

APPENDIX B.

Treaty of Commerce and Navigation, between his Britannic Majesty and the Most Christian King, signed at Versailles, the 26th of September, 1786.

HIS Britannic Majesty, and his Most Christian Majesty, being equally animated with the desire not only of consolidating the good harmony which actually subsists between them, but also of extending the happy effects thereof to their respective subjects, have thought that the most efficacious means for attaining those objects, conformably to the 18th article of the treaty of peace, signed the 6th of September, 1783, would be to adopt a system of commerce on the basis of reciprocity and mutual convenience, which, by discontinuing the prohibitions and prohibitory duties which have existed for almost a century between the two nations, might procure the most solid advantages, on both sides, to the national productions and industry, and put an end to contraband trade, no less injurious to the public revenue, than to that lawful commerce which is alone entitled to protection; for this end, their said Majesties have named for their commissaries and plenipotentiaries, to wit, the King of Great Britain, William Eden, Esq. Privy Counsellor in Great Britain and Ireland, member of the British Parliament, and his Envoy Extraordinary and Minister Plenipotentiary to his Most Christian Majesty, and the Most Christian King, the Sieur Joseph Mathias Gerrard de Rayneval, Knt. Counsellor of State, Knight of the Royal Order of Charles III. who, after having exchanged their respective full powers, have agreed upon the following articles.

ART. I. It is agreed and concluded between the most serene and most potent King of Great Britain, and the most serene and most potent, the Most Christian King, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between the subjects of each party, in all, and every the kingdoms, states, provinces, and territories, subject to their Majesties in Europe, for all and singular kinds of goods, in those places, upon the conditions, and in such a manner and form as is settled and adjusted in the following articles :

ART. II. For the future security of commerce and friendship between the subjects of their said Majesties, and to the end that this good correspondence may be preserved from all interruption and disturbance, it is concluded and agreed, that if, at any time, there should arise any misunderstanding, breach of friendship, or rupture between the Crowns of

their Majesties, which God forbid! (which rupture shall not be deemed to exist until the recalling or sending home of the respective ambassadors and ministers) the subjects of each of the two parties residing in the dominions of the other, shall have the privilege of remaining and continuing their trade therein, without any manner of disturbance, so long as they behave peaceably, and commit no offence against the laws and ordinances; and in case their conduct should render them suspected, and the respective governments should be obliged to order them to remove, the term of twelve months shall be allowed them for that purpose, in order that they may remove, with their effects and property, whether entrusted to individuals, or to the state. At the same time it is to be understood, that this favour is not to be extended to those who shall act contrary to the established laws.

ART. III. It is likewise agreed and concluded, that the subjects and inhabitants of the kingdoms, provinces, and dominions of their Majesties, shall exercise no acts of hostility or violence against each other, either by sea or by land, or in rivers, streams, ports or havens, under any colour or pretence whatsoever; so that the subjects of either party shall receive no patent, commission, or instruction for arming and acting at sea as privateers, nor letters of reprisal, as they are called, from any princes or states, enemies to the other party; nor by virtue, or under colour of such patents, commissions, or reprisals, shall they disturb, infest, or any way prejudice or damage the aforesaid subjects and inhabitants of the King of Great Britain, or of the Most Christian King; neither shall they arm ships in such manner as is above said, or go out to sea therewith. To which end, as often as it is required by either party, strict and express prohibitions shall be renewed and published in all the territories, countries, and dominions of each party wheresoever, that no one shall in any wise use such commissions or letters of reprisal, under the severest punishment that can be inflicted on the transgressors, besides being liable to make full restitution and satisfaction to those to whom they have done any damage; neither shall any letters of reprisal be hereafter granted by either of the said high contracting parties, to the prejudice or detriment of the subjects of the other, except only in such a case wherein justice is denied or delayed; which denial or delay of justice shall not be regarded as verified, unless the petitions of the person, who desires the said letters of reprisal, be communicated to the minister residing there on the part of the prince against whose subjects they are not to be granted, that within the space of four months, or sooner, if it be possible, he may manifest the contrary, or procure the satisfaction which may be justly due.

ART. IV. The subjects and inhabitants of the respective dominions of the two sovereigns shall have liberty, freely and securely, without licence or passport, general or special, by land or by sea, or any other way, to enter into the kingdoms, dominions, provinces, countries, islands, cities, villages, towns, walled or unwalled, fortified or unfortified ports, or territories whatsoever, of either sovereign situate in Europe, and to return from thence, to remain there, or to pass through the same, and therein to buy and purchase, as they please, all things necessary for their subsistence and use, and they shall mutually be treated with all kindness and favour. Provided, however, that in all these matters, they behave and conduct themselves conformably to the laws and statutes, and live with each other in a

friendly and peaceable manner, and promote a reciprocal concord by maintaining a mutual and good understanding.

ART. V. The subjects of each of their said Majesties may have leave and licence to come with their ships, as also with the merchandize and goods on board the same, the trade and importation whereof are not prohibited by the laws of either kingdom, and to enter into the countries, dominions, cities, ports, places, and rivers of either party, situated in Europe, to resort thereto, and to remain and reside there, without any limitation of time; also to hire houses, or to lodge with other persons, and to buy all lawful kinds of merchandizes, where they think fit, either from the first maker or the seller, or in any other manner, whether in the public market for the sale of merchandizes, or in fairs, or wherever such merchandizes are manufactured or sold. They may likewise deposit and keep, in their magazines and warehouses, the merchandizes brought from other parts, and afterwards expose the same to sale, without being in any wise obliged, unless willingly and of their own accord, to bring the said merchandizes to the marts and fairs. Neither are they to be burthened with any impositions or duties on account of the said freedom of trade, or for any other cause whatsoever, except those which are to be paid for their ships and merchandizes, conformably to the regulations of the present treaty, or those to which the subjects of the two contracting parties shall themselves be liable. And they shall have free leave to remove themselves, as also their wives, children, and servants, together with their merchandizes, property, goods, or effects, whether bought or imported, wherever they shall think fit, out of either kingdom, by land and by sea, on the rivers and fresh waters, after discharging the usual duties; any law, privilege, grant, immunities, or customs, to the contrary thereof in any wise, notwithstanding. In matters of religion, the subjects of the two Crowns shall enjoy perfect liberty. They shall not be compelled to attend Divine Service, whether in the churches or elsewhere; but, on the contrary, they shall be permitted, without any molestation, to perform the exercises of their religion privately in their own houses and in their own way. Liberty shall not be refused to bury the subjects of either kingdom who die in the territories of the other, in convenient places to be appointed for that purpose; nor shall the funerals or sepulchres of the deceased be in any wise disturbed. The laws and statutes of each kingdom shall remain in full force and vigour, and shall be duly put in execution, whether they relate to commerce and navigation, or to any other right, those cases only excepted, concerning which it is otherwise determined in the articles of this present treaty.

ART. VI. The two high contracting parties have thought proper to settle the duties on certain goods and merchandizes, in order to fix invariably the footing on which the trade therein shall be established between the two nations. In consequence of which they have agreed upon the following Tariff, viz.

1st. The wines of France, imported directly from France into Great Britain, shall, in no case, pay any higher duties than those which the wines of Portugal now pay.

The wines of France, imported directly from France into Ireland, shall pay no higher duties than those which they now pay.

2d. The vinegars of France, instead of sixty-seven pounds five shillings and three-pence and twelve twentieths of a penny sterling per ton, which they now pay, shall not for the future pay, in Great Britain, any higher duties than thirty-two pounds eighteen shillings and ten pence and sixteen-twentieths of a penny sterling per ton.

3d. The brandies of France, instead of nine shillings and six pence and twelve-twentieths of a penny sterling, shall for the future pay, in Great Britain, only seven shillings sterling per gallon, making four quarts, English measure.

4th. Oil of olives, coming directly from France, shall, for the future, pay no higher duties than are now paid for the same from the most favoured nations.

5th. Beer shall pay reciprocally a duty of thirty per cent. *ad valorem*.

6th. The duties on hardware, cutlery, cabinet ware, and turnery, and also all works, both heavy and light, of iron, steel, copper, and brass, shall be classed; and the highest duty shall not exceed ten per cent. *ad valorem*.

7th. All sorts of cottons, manufactured in the dominions of the two sovereigns in Europe, and also woollens, whether knit or wove, including hosiery, shall pay, in both countries, an import duty of twelve per cent. *ad valorem*; all manufactures of cotton or wool, mixed with silk, excepted, which shall remain prohibited on both sides.

8th. Cambrics and lawns shall pay, in both countries, an import duty of five shillings, or six livres Tournois, per demi piece of seven yards and three quarters, English measure; and linens, made of flax or hemp, manufactured in the dominions of the two sovereigns in Europe, shall pay no higher duties, either in Great Britain or France, than linens manufactured in Holland or Flanders, imported into Great Britain, now pay.

And linen made of flax or hemp, manufactured in Ireland or France, shall reciprocally pay no higher duties than linens manufactured in Holland, imported into Ireland, now pay.

9th. Saddlery shall reciprocally pay an import duty of fifteen per cent. *ad valorem*.

10th. Gauzes of all sorts shall reciprocally pay ten per cent. *ad valorem*.

11th. Millinery, made up of muslin, lawn, cambric, or gauze of every kind, or of any other article admitted under the present tariff, shall pay reciprocally a duty of twelve per cent. *ad valorem*; and if any article shall be used therein, which are not specified in the tariff, they shall pay no higher duties than those paid for the same articles by the most favoured nations.

12th. Porcelain, earthen-ware, and pottery, shall pay reciprocally twelve per cent. *ad valorem*.

13th. Plate-glass, and glass-ware in general, shall be admitted, on each side, paying a duty of twelve per cent. *ad valorem*.

His Britannic Majesty reserves the right of countervailing, by additional duties on the undermentioned merchandizes, the internal duties actually imposed upon the manufactures, or the import duties which are charged on the raw materials; namely, on all linens or cottons, stained or printed, on beer, glass-ware, plate-glass, and iron.

And his Most Christian Majesty also reserves the right of doing the same, with regard to the following merchandizes; namely, cotton, iron, and beer.

And for the better securing the due collection of the duties payable *ad valorem*, which are specified in the above tariff, the said contracting parties will concert with each other as well the form of the declarations to be made, as also the proper means of preventing fraud with respect to the real value of the said goods and merchandizes.

But if it shall hereafter appear, that any mistakes have inadvertently been made in the above tariff, contrary to the principles on which it is founded, the two sovereigns will concert with good faith upon the means of rectifying them.

ART. VII. The duties above specified are not to be altered but by mutual consent; and the merchandizes not above specified shall pay, in the dominions of the two sovereigns, the import and export duties payable in each of the said dominions by the most favoured European nations, at the time the present treaty bears date; and the ships belonging to the subjects of the said dominions shall also respectively enjoy therein all the privileges and advantages which are granted to those of the most favoured European nations.

And it being the intention of the two high contracting parties, that their respective subjects should be in the dominions of each other upon a footing as advantageous as those of other European nations, they agree, that in case they shall hereafter grant any additional advantages in navigation or trade to any other European nations, they will reciprocally allow their said subjects to participate therein; without prejudice, however, to the advantages which they reserve, viz. France in favour of Spain, in consequence of the 24th article of the family compact, signed the 10th of May, 1761, and England according to what she has practised in conformity to, and in consequence of, the convention of 1703, between England and Portugal.

And to the end that every person may know, with certainty, the state of the aforesaid imposts, customs, import and export duties, whatever they may be, it is agreed, that tariffs, indicating the imposts, customs, and established duties, shall be affixed in public places, as well in Rouën and the other trading cities of France, as in London and the other trading cities under the dominion of the King of Great Britain, that recourse may be had to them whenever any difference shall arise concerning such imposts, customs, and duties, which shall not be levied otherwise than in conformity to what is clearly expressed in the said

tariffs, and according to their natural construction. And if any officer, or other person in his name, shall, under any pretence, publicly or privately, directly or indirectly, demand or take of a merchant, or of any other person, any sum of money, or any thing else, on account of duties, impost, search, or compensation, although it be under the name of a free gift, or under any other pretence, more or otherwise than what is above prescribed; in such case the said officer, or his deputy, if he be accused and convicted of the same before a competent judge, in the place where the crime was committed, shall give full satisfaction to the injured party, and shall likewise suffer the penalty prescribed by the laws.

ART. VIII. No merchandize exported from the countries respectively under the dominion of their Majesties, shall hereafter be subject to be inspected or confiscated, under any pretence of fraud or defect in making or working them, or of any other imperfection whatsoever; but absolute freedom shall be allowed to the buyer and seller to bargain and fix the price for the same, as they shall see good; any law, statute, edict, proclamation, privilege, grant, or custom to the contrary, notwithstanding.

ART. IX. Whereas several kinds of merchandizes, which are usually contained in casks, chests, or other cases, and for which the duties are paid by weight, will be exported from, and imported into, France by British subjects; it is agreed, that in such case the aforesaid duties shall be demanded only according to the real weight of the merchandizes; and the weight of the casks, chests, and other cases whatever shall be deducted, in the same manner as has been, and is now, practised in England.

ART. X. It is further agreed, that if any mistake or error shall be committed by any master of a ship, his interpreter or factor, or by any other employed by him, in making the entry or declaration of her cargo, neither the ship nor the cargo shall be subject, for such defect, to confiscation; but it shall be lawful for proprietors to take back again such goods as were omitted in the entry or declaration of the master of the ship, paying only the accustomed duties according to the placart, provided always that there be no manifest appearance of fraud: neither shall the merchants, or the masters of ships, or the merchandize, be subject to any penalty, by reason of such omission, in case the goods omitted in the declaration shall not have been landed before the declaration has been made.

ART. XI. In case either of the two high contracting parties shall think proper to establish prohibitions, or to augment the import duties upon any goods or merchandize of the growth or manufacture of the other, which are not specified in the tariff, such prohibitions or augmentations shall be general, and shall comprehend the like goods and merchandizes of the other most favoured European nations, as well as those of either state; and in case either of the two contracting parties shall revoke the prohibitions or diminish the duties in favour of any other European nation, upon any goods or merchandize of its growth or manufacture, whether on importation or exportation, such revocations or diminutions shall be extended to the subjects of the other party, on condition that the latter shall grant to the subjects of the former the importation and exportation of the like goods and merchandizes

under the same duties ; the cases reserved in the VIIth article of the present treaty always excepted.

ART. XII. And forasmuch as a certain usage, not authorized by any law, has formerly obtained in divers parts of Great Britain and France, by which French subjects have paid in England a kind of capitation tax, called, in the language of that country, head-money; and English subjects a like duty in France, called *argent du chef* ; it is agreed, that the said impost shall not be demanded for the future, on either side, neither under the ancient name, nor under any other name whatsoever.

ART. XIII. If either of the high contracting parties has granted, or shall grant, any bounties for encouraging the exportation of any articles, being of the growth, produce, or manufacture of his dominions, the other party shall be allowed to add to the duties already imposed, by virtue of the present treaty, on the said goods and merchandizes imported into his dominions, such an import duty as shall be equivalent to the said bounty. But this stipulation is not to extend to the cases of restitutions of duties and imposts, (called drawbacks,) which are allowed upon exportation.

ART. XIV. The advantages granted by the present treaty to the subjects of his Britannic Majesty shall take effect, as far as relates to the kingdom of Great Britain, as soon as laws shall be passed there for securing to the subjects of his Most Christian Majesty the reciprocal enjoyment of the advantages which are granted to them by the present treaty.

And the advantages granted by all these articles, except the Tariff, shall take effect, with regard to the kingdom of Ireland, as soon as laws shall be passed there for securing to the subjects of his Most Christian Majesty the reciprocal enjoyment of the advantages which are granted to them by this treaty ; and, in like manner, the advantages granted by the Tariff shall take effect, in what relates to the said kingdom, as soon as laws shall be passed there for giving effect to the said Tariff.

ART. XV. It is agreed, that ships belonging to his Britannic Majesty's subjects, arriving in the dominions of his Most Christian Majesty, from the port of Great Britain or Ireland, or from any other foreign port, shall not pay freight duty or any other like duty. In the same manner, French ships shall be exempted in the dominions of his Britannic Majesty, from the duty of five shillings, and from every other similar duty or charge.

ART. XVI. It shall not be lawful for any foreign privateers, not being subjects of either crown, who have commissions from any other prince or state, in enmity with either nation, to arm their ships in the ports of either of the said two kingdoms, to sell what they have taken, or in any other manner whatever to exchange the same ; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the nearest port of that prince from whom they have obtained commissions.

ART. XVII. When any dispute shall arise between any commander of a ship and his seamen, in the ports of either kingdom, concerning wages due to the said seamen, or other civil causes whatever, the magistrate of the place shall require no more from the person accused, than that he give to the accuser a declaration in writing, witnessed by the magistrate, whereby he shall be bound to answer that matter before a competent judge in his own country; which being done, it shall not be lawful for the seamen to desert their ship, or to hinder the commander from prosecuting his voyage. It shall moreover be lawful for the merchants in the places of their abode, or elsewhere, to keep books of their accounts and affairs, as they shall see fit, and to have an intercourse of letters, in such language or idiom as they shall choose, without any molestation or search whatsoever. But if it should happen to be necessary for them to produce their books of accounts for deciding any dispute or controversy, in such case they shall be obliged to bring into court the entire books or writings, but so as the judge may not have liberty to take cognizance of any other articles in the said books than such as shall relate to the affair in question, or such as shall be necessary to give credit to the said books; neither shall it be lawful, under any pretence, to take the said books or writings forcibly out of the hands of the owners, or to retain them, the case of bankruptcy only excepted. Nor shall the subjects of the King of Great Britain be obliged to write their accounts, letters, or other instruments relating to trade, on stamped paper, except their day-book, which, that it may be produced as evidence in any lawsuit, ought, according to the laws which all persons trading in France are to observe, to be indorsed and attested gratis by the judge, under his own hand.

ART. XVIII. It is further agreed and concluded, that all merchants, commanders of ships, and others, the subjects of the King of Great Britain, in all the dominions of his Most Christian Majesty in Europe, shall have full liberty to manage their own affairs themselves, or to commit them to the management of whomsoever they please; nor shall they be obliged to employ any interpreter or broker, nor to pay them any salary, unless they shall choose to employ them. Moreover, masters of ships shall not be obliged, in loading or unloading their ships, to make use of those persons who may be appointed by public authority for that purpose, either at Bourdeaux or elsewhere: but it shall be entirely free for them to load or unload their ships by themselves, or to make use of such person or persons in loading or unloading the same, as they shall think fit, without the payment of any reward to any other whomsoever; neither shall they be forced to unload into other ships, or to receive into their own, any merchandize whatever, or to wait for their lading any longer than they please. And all the subjects of the Most Christian King shall reciprocally have and enjoy the same privileges and liberties, in all the dominions of his Britannic Majesty in Europe.

ART. XIX. The ships of either party being laden, sailing along the coasts of the other, and being forced by storm into the havens or ports, or making land there in any other manner whatever, shall not be obliged to unlade their goods, or any part thereof, or to pay any duty, unless they, of their own accord, unlade their goods there, and sell some part thereof. But it shall be lawful, permission having been first obtained from those who have the di-

rection of maritime affairs, to unlade and sell a small part of their cargo, merely for the end of purchasing necessities, either for victualling or refitting the ship; and in that case the whole lading shall not be subject to pay the duties, but that small part only which shall have been taken out and sold.

ART. XX. It shall be lawful for all the subjects of the King of Great Britain, and of the Most Christian King, to sail with their ships, with perfect security and liberty, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port whatever, to the countries which are now, or shall be hereafter at war with the King of Great Britain or the Most Christian King. It shall likewise be lawful for the aforesaid subjects to sail and traffic with their ships and merchandizes, with the same liberty and security, from the countries, ports, and places of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, and to pass directly not only from the places of the enemy afore-mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same, or of several princes. And as it has been stipulated concerning ships and goods, that every thing shall be deemed free, which shall be found on board the ships belonging to the subjects of the respective kingdoms, although the whole lading, or part thereof, should belong to the enemies of their Majesties, contraband goods being always excepted, on the stopping of which such proceedings shall be had as are conformable to the spirit of the following articles; it is likewise agreed, that the same liberty be extended to persons who are on board a free ship, to the end that, although they be enemies to both, or to either party, they may not be taken out of such free ships, unless they are soldiers, actually in the service of the enemies, and on their voyage for the purpose of being employed in a military capacity, in their fleets or armies.

ART. XXI. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are specified in the following articles, and which are described under the name of contraband.

ART. XXII. Under this name of contraband, or prohibited goods, shall be comprehended arms, cannon, harquebusses, mortars, petards, bombs, granades, saucisses, carcasses, carriages for cannon, musket-rests, bandoleers, gunpowder, match, salt-petre, ball, pikes, swords, head-pieces, helmets, cutlasses, halberds, javelins, holsters, belts, horses and harness, and all other like kinds of arms and warlike implements fit for the use of troops.

ART. XXIII. These merchandizes which follow shall not be reckoned among contraband goods, that is to say; all sorts of cloth, and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together with the articles of which they are usually made, gold, silver, coined, or uncoined, tin, iron, lead, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and all kinds of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oil, wines, sugar, all sorts of salt, and of provisions which serve for sustenance and food to mankind;

also all kinds of cotton, cordage, cables, sails, sail-cloth, hemp, tallow, pitch, tar, and rosin, anchors and any parts of anchors, ships' masts, planks, timber, of all kinds of trees, and all other things proper either for building or repairing ships. Nor shall any other goods whatever, which have not been worked into the form of any instrument, or furniture for warlike use, by land or by sea, be reputed contraband, much less such as have been already wrought and made up for any other purpose. All which things shall be deemed goods not contraband, as likewise all others which are not comprehended and particularly described in the preceding article; so that they may be freely carried by the subjects of both kingdoms, even to places belonging to an enemy, excepting only such places as are besieged, blocked up, or invested.

ART. XXIV. To the end that all manner of dissensions and quarrels may be avoided and prevented on both sides, it is agreed, that in case either of their Majesties should be engaged in a war, the ships and vessels belonging to the subjects of the other shall be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of abode of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the princes; which passports shall be made out and granted, according to the form annexed to the present treaty: they shall likewise be renewed every year, if the ship happens to return home within the space of a year. It is also agreed, that such ships, when laden, are to be provided not only with passports as above-mentioned, but also with certificates containing the several particulars of the cargo, the place from whence the ship sailed, and whither she is bound, so that it may be known whether she carries any of the prohibited or contraband goods specified in the XXII. article of this treaty, which certificates shall be prepared by the officers of the place from whence the ship set sail, in the accustomed form. And if any one shall think fit to express, in the said certificates, the person to whom the goods belong, he may freely do so.

ART. XXV. The ships belonging to the subjects and inhabitants of the respective kingdoms, coming to any of the coasts of either of them, but without being willing to enter into port, or being entered, yet not willing to land their cargoes, or break bulk, shall not be obliged to give an account of their landing, unless they are suspected, upon sure evidence, of carrying prohibited goods, called contraband, to the enemies of either of the two high contracting parties.

ART. XXVI. In case the ships belonging to the said subjects and inhabitants of the respective dominions of their most serene Majesties, either on the coast or on the high seas, shall meet with any men of war belonging to their most serene Majesties, or with privateers, the said men of war and privateers, for preventing any inconveniences, are to remain out of cannon-shot, and to send their boats to the merchant ships which may be met with, and shall enter her, to the number of two or three men only, to whom the master or commander of such ship or vessel shall shew his passport, containing the proof of the property of the ship, made out according to the form annexed to this present treaty; and the ship which shall have exhibited the same shall have liberty to continue her voyage, and it shall

be wholly unlawful any way to molest or search her, or to chase or compel her to alter her course.

ART. XXVII. The merchant-ships belonging to the subjects of either of the two high contracting parties, which intend to go to a port at enmity with the other sovereign, concerning whose voyage, and the sort of goods on board, there may be just cause of suspicion, shall be obliged to exhibit, as well on the high seas, as in ports and havens, not only her passports, but also her certificates, expressing that the goods are not of the kind which are contraband, as specified in the XXII. article of this treaty.

ART. XXVIII. If, on exhibiting the above-mentioned certificates, containing a list of the cargo, the other party should discover any goods of that kind which are declared contraband, or prohibited by the XXII. article of this treaty, and which are designed for a port subject to his enemies, it shall be unlawful to break up or open the hatches, chests, casks, bales, or other vessels found on board such ship, or to remove even the smallest parcel of the goods, whether the said ship belongs to the subjects of the King of Great Britain, or of the Most Christian King, unless the lading be brought on shore, in the presence of the officers of the Court of Admiralty, and an inventory made by them of the said goods : nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless after due and lawful process shall have been had against such prohibited goods, and the judges of the Admiralty respectively shall, by sentence pronounced, have confiscated the same ; saving always as well the ship itself, as the other goods found therein, which by this treaty are to be accounted free : neither may they be detained on pretence of their being mixed with prohibited goods, much less shall they be confiscated as lawful prize : and if, when only part of the cargo shall consist of contraband goods, the master of the ship shall agree, consent, and offer to deliver them to the captor who has discovered them, in such case, the captor having received those goods as lawful prize, shall forthwith release the ship, and not hinder her, by any means, from prosecuting her voyage to the place of her destination.

ART. XXIX. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, although it be not contraband goods, shall be confiscated in the same manner as if it belonged to the enemy himself ; except those goods and merchandizes which were put on board such ship before the declaration of war, or the general order for reprisals, or even after such declaration, if it were done within the times following ; that is to say, if they were put on board such ship in any port or place within the space of two months after such declaration or order for reprisals, between Archangel, St. Petersburg, and the Scilly islands, and between the said islands and the city of Gibraltar ; of ten weeks in the Mediterranean Sea ; and of eight months in any other country or place in the world ; so that the goods of the subjects of either prince, whether they be contraband, or otherwise, which, as aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, within the time and limits above-mentioned, shall no ways be liable to confiscation, but shall well and truly be restored, without delay, to the proprietors demanding the same ; pro-

vided, nevertheless, that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to the ports belonging to the enemy.

ART. XXX. And that more abundant care may be taken for the security of the respective subjects of their most serene Majesties, to prevent their suffering any injury by the men of war or privateers of either party, all the commanders of the ships of the King of Great Britain, and of the Most Christian King, and all their subjects, shall be forbid doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary they shall be punished, and shall moreover be bound in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of what nature soever.

ART. XXXI. For this cause, all commanders of privateers, before they receive their patents, or special commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by good bail, who are responsible men, and have no interests in the said ship, each of whom shall be bound in the whole for the sum of thirty-six thousand livres Tournois, or fifteen hundred pounds sterling; or if such ship be provided with above one hundred and fifty seamen or soldiers, for the sum of seventy-two thousand livres Tournois, or three thousand pounds sterling, that they will make entire satisfaction for all damages and injuries whatsoever, which they, or their officers, or others in their service, may commit during their cruize, contrary to the tenor of this present treaty, or the edicts made in consequence thereof by their most serene Majesties, under penalty likewise of having their patents and special commissions revoked and annulled.

ART. XXXII. Their said Majesties being willing, mutually, to treat in their dominions the subjects of each other as favourably as if they were their own subjects, will give such orders as shall be necessary and effectual, that the judgments and decrees, concerning prizes in the Courts of Admiralty, be given conformably to the rules of justice and equity, and to the stipulations of this treaty, by judges who are above all suspicion, and who have no manner of interest in the cause in dispute.

ART. XXXIII. And when the quality of the ship, goods, and master, shall sufficiently appear, from such passports and certificates, it shall not be lawful for the commanders of men of war to exact any further proof under any pretext whatsoever. But if any merchantship shall not be provided with such passports or certificates, then it may be examined by a proper judge, but in such manner as, if it shall be found, from other proofs and documents, that it truly belongs to the subjects of one of the Sovereigns, and does not contain any contraband goods, designed to be carried to the enemy of the other, it shall not be liable to confiscation, but shall be released, together with its cargo, in order to proceed on its voyage.

If the master of the ship, named in the passports, should happen to die, or be removed by any other cause, and another put in his place, the ships and goods laden thereon shall nevertheless be equally secure, and the passports shall remain in full force.

ART. XXXIV. It is further provided and agreed, that the ships of either of the two nations, retaken by the privateers of the other, shall be restored to the former owner, if they have not been in the power of the enemy for the space of four and twenty hours, subject to the payment, by the said owner, of one-third of the value of the ship retaken, and of its cargo, guns, and apparel; which third part shall be amicably adjusted by the parties concerned: but if not, and in case they should disagree, they shall make application to the officers of the Admiralty of the place where the privateer which retook the captured vessel shall have carried her.

If the ship retaken has been in the power of the enemy above four and twenty hours, she shall wholly belong to the privateer which retook her.

In case of a ship being retaken by any man of war belonging to his Britannic Majesty, or to his Most Christian Majesty, it shall be restored to the former owner, on payment of the thirtieth part of the value of such ship, and of its cargo, guns, and apparel, if it was retaken within the four and twenty hours, and the tenth part of it was retaken after the four and twenty hours; which sums shall be distributed, as a reward, amongst the crews of the ships which shall have retaken such prize. The valuation of the thirtieth and tenth parts above mentioned shall be settled conformably to the regulations in the beginning of this article.

ART. XXXV. Whensoever the ambassadors of either of their said Majesties, or other their ministers, having a public character, and residing at the court of the other prince, shall complain of the injustice of the sentences which have been given, their Majesties shall respectively cause the same to be revised and re-examined in their councils, unless their councils should already have decided thereupon, that it may appear, with certainty, whether the directions and provisions prescribed in this treaty have been followed and observed. Their Majesties shall likewise take care that this matter be effectually provided for, and that justice be done to every complainant within the space of three months. However, before or after judgment given, and pending the revision thereof, it shall not be lawful to sell the goods in dispute, or to unlade them, unless with the consent of the persons concerned, for preventing any kind of loss: and laws shall be enacted on both sides for the execution of the present article.

ART. XXXVI. If any differences shall arise respecting the legality of prizes, so that a judicial decision should become necessary, the judge shall direct the effects to be unladen, an inventory and appraisement to be made thereof, and security to be required respectively from the captor for paying the costs, in case the ship should not be declared lawful prize; and from the claimant for paying the value of the prize in case it should be declared lawful; which securities being given by both parties, the prize shall be delivered up to the claimant. But if the claimant should refuse to give sufficient security, the judge shall direct the prize to be delivered to the captor, after having received from him good and sufficient security for paying the full value of the said prize, in case it should be adjudged illegal. Nor shall the execution of the sentence of the judge be suspended by reason of any

appeal, when the party against whom such appeal shall be brought, whether claimant or captor, shall have given sufficient security for restoring the ship or effects, or the value of such ship or effects, to the appellant, in case judgment should be given in his favour.

ART. XXXVII. In case any ships of war or merchantmen, forced by storms or other accidents, be driven on rocks or shelves, on the coasts of either of the high contracting parties, and should there be dashed to pieces and shipwrecked, all such parts of the said ships, or of the furniture or apparel thereof, as also of the goods and merchandizes as shall be saved, or the produce thereof, shall be faithfully restored, upon the same being claimed by the proprietors, or their factors, duly authorized, paying only the expences incurred in the preservation thereof, according to the rate of salvage settled on both sides; saving at the same time the rights and customs of each nation, the abolition or modification of which shall however be treated upon, in the cases where they shall be contrary to the stipulations of the present article; and their Majesties will mutually interpose their authority, that such of their subjects as shall be so inhuman as to take advantage of any such misfortune, may be severely punished.

ART. XXXVIII. It shall be free for the subjects of each party to employ such advocates, attornies, notaries, solicitors, and factors, as they shall think fit; to which end the said advocates and others above mentioned, shall be appointed by the ordinary judges, if it be needful, and the judges be thereunto required.

ART. XXXIX. And for the greater security and liberty of commerce and navigation, it is further agreed, that both the King of Great Britain, and the Most Christian King, shall not only refuse to receive any pirates, or sea-rovers whatsoever, into any of their havens, ports, cities, or towns, or permit any of their subjects, citizens, or inhabitants, on either part, to receive or protect them in their ports, to harbour them in their houses, or to assist them in any manner whatsoever; but further, they shall cause all such pirates and sea-rovers, and all persons who shall receive, conceal, or assist them, to be brought to condign punishment, for a terror and example to others. And all their ships, with the goods or merchandizes taken by them, and brought into the ports of either kingdom, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors, duly authorized, or deputed by them in writing, proper evidence being first given, in the court of admiralty, for proving the property, even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or might have known, that they had been piratically taken. And, generally, all ships and merchandizes, of what nature soever, which may be taken on the high seas, shall be brought into some port of either kingdom, and delivered into the custody of the officers of that port, that they may be restored entire to the true proprietor, as soon as due and sufficient proof shall have been made concerning the property thereof.

ART. XL. It shall be lawful, as well for the ships of war of their Majesties, as for privateers belonging to their subjects, to carry, whithersoever they please, the ships and goods

taken from their enemies, without being obliged to pay any fee to the officers of the Admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at, and enter the ports of, their said Majesties, be detained or seized; neither shall the searchers, or other officers of those places, visit or take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail at any time, to depart, and to carry their prizes to the place mentioned in the commissions or patents, which the commanders of such ships of war shall be obliged to shew: on the contrary, no shelter or refuge shall be given in their ports to such as have made prize upon the subjects of either of their Majesties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire from thence as soon as possible, as far as it is not repugnant to former treaties made in this respect with other sovereigns or states.

ART. XLI. Neither of their said Majesties shall permit the ships or goods belonging to the subjects of the other to be taken within cannon-shot of the coast, or in the ports or rivers of their dominions, by ships of war, or others having commission from any prince, republic, or city, whatsoever; but in case it should so happen, both parties shall employ their united force to obtain reparation of the damage thereby occasioned.

ART. XLII. But if it shall appear that the captor made use of any kind of torture upon the master of the ship, the crew, or others who shall be on board any ship belonging to the subjects of the other party, in such case, not only the ship itself, together with the persons, merchandizes, and goods whatsoever, shall be forthwith released, without any delay, and set entirely free, but also such as shall be convicted of so enormous a crime, together with their accomplices, shall suffer the most severe punishment suitable to their offences: this the King of Great Britain, and the Most Christian King, mutually engage shall be observed, without any respect of persons whatsoever.

ART. XLIII. Their Majesties shall respectively be at liberty, for the advantage of their subjects trading to the kingdoms and dominions of either of them, to appoint therein national consuls, who shall enjoy the right, immunity, and liberty belonging to them, by reason of their duties and their functions: and places shall hereafter be agreed upon where the said consuls shall be established, as well as the nature and extent of their functions. The convention relative to this point shall be concluded immediately after the signature of the present treaty, of which it shall be deemed to constitute a part.

ART. XLIV. It is also agreed, that in whatever relates to the lading and unlading of ships, the safety of merchandize, goods, and effects, the succession to personal estates, as well as the protection of individuals, and their personal liberty, as also the administration of justice, the subjects of the two high contracting parties shall enjoy, in their respective dominions, the same privileges, liberties, and rights, as the most favoured nation.

ART. XLV. If hereafter it shall happen, through inadvertency or otherwise, that any infractions or contraventions of the present treaty should be committed on either side, the

friendship and good understanding shall not immediately thereupon be interrupted; but this treaty shall subsist in all its force, and proper remedies shall be procured for removing the inconveniences, as likewise for the reparation of the contraventions; and if the subjects of either kingdom shall be found guilty thereof, they only shall be punished and severely chastised.

ART. XLVI. His Britannic Majesty and his Most Christian Majesty have reserved the right of revising and re-examining the several stipulations of this treaty, after the term of twelve years, to be computed from the day of passing laws for its execution in Great Britain and Ireland respectively, to propose and make such alterations as the times and circumstances may have rendered proper or necessary for the commercial interests of their respective subjects: and this revision is to be completed in the space of twelve months; after which term the present treaty shall be of no effect, but in that event the good harmony and friendly correspondence between the two nations shall not suffer the least diminution.

ART. XLVII. The present treaty shall be ratified and confirmed by his Britannic Majesty, and by his Most Christian Majesty, in two months, or ~~sooner~~ if it can be done, after the exchange of signatures between the plenipotentiaries.

In witness whereof, we, the undersigned commissaries and plenipotentiaries of the King of Great Britain, and the Most Christian King, have signed the present treaty with our hands, and have set thereto the seals of our arms.

Done at Versailles, the 26th of September, 1786.

WM. EDEN. (L. S.)

GERARD DE RAYNEVAL. (L. S.)

APPENDIX C.

A copy of the Treaty of Defensive Alliance between his Britannic Majesty and their High Mightinesses the States-General of the United Provinces. Signed at the Hague, the 25th of April, 1788.

THE mutual and sincere friendship which has so long subsisted between his Majesty the King of Great Britain, and the Lords the States-General of the United Provinces, having been increased and strengthened by the interest which his Britannic Majesty has lately manifested in the preservation of the independence of the republic, and of its legal constitution, his said Majesty, and the said Lords States-General of the United Provinces, have resolved, in order to cement, in the most solid and lasting manner, the good harmony, confidence, and correspondence between them, to form permanent engagements, by a treaty of defensive alliance for the good of both parties, and for the maintenance of the general tranquillity, as well as of their own in particular. To accomplish so salutary a purpose, his Majesty, the King of Great Britain, has named and authorized Sir James Harris, Privy Counsellor, Knight of the Bath, member of the Parliament of Great Britain, and his Majesty's Ambassador Extraordinary and Plenipotentiary to their High Mightinesses; and their High Mightinesses, the States-General of the United Provinces, have named and authorized their deputies for foreign affairs; who, after communicating to each other their full powers in due form, and having conferred together, have agreed upon the following articles:

ART. I.—There shall be a sincere, firm, and constant friendship and union between his Britannic Majesty, his heirs and successors, and the Lords the States-General of the United Provinces, so that the high contracting parties shall direct their utmost attention to maintain this mutual friendship and correspondence between them, and their dominions and subjects; and they engage to contribute, as far as shall be in their power, mutually to preserve and defend each other in peace and tranquillity.

ART. II.—In case either of the high contracting parties should be hostilely attacked by any European power, in any part of the world whatsoever, the other contracting party engages to succour its ally, as well by sea as by land, in order to maintain and guaranty each other mutually in the possession of all the dominions, territories, towns, places, franchises, and liberties, which belonged to them respectively before the commencement of hostilities.

ART. III.—His Britannic Majesty guaranties, in the most effectual manner, the hereditary Stadtholderate, as well as the office of hereditary governor of each province, in the serene House of Orange, with all the rights and prerogatives thereto belonging, as forming an essential part of the constitution of the United Provinces, according to the resolutions and diplomas of the year 1747 and 1748, by virtue of which the present Stadtholder entered into the possession of those offices in 1766, and was re-stated therein in 1788: engaging to maintain that form of government against all attacks and enterprizes, direct or indirect, of whatsoever nature they may be.

ART. IV.—The succours mentioned in the second article of this treaty of defensive alliance, shall consist, on the part of his Britannic Majesty, of eight thousand infantry, two thousand cavalry, twelve ships of the line, and eight frigates, which respective succours shall be furnished in the space of two months after requisition made by the party attacked, and shall remain at its disposal during the whole continuance of the war in which it shall be engaged, whilst those succours (whether ships and frigates, or troops) shall be paid and maintained by the power of whom they shall be required, wherever its ally shall employ them.

ART. V.—In case the stipulated succours should not be sufficient for the defence of the power requiring them, the power to whom requisition shall be made shall successively augment them, according to the wants of its ally, whom it shall assist, even with its whole force, if circumstances should render it necessary; but it is expressly agreed, in all cases, that the contingent of the Lords the States-General shall not exceed ten thousand infantry, two thousand cavalry, sixteen ships of the line, and sixteen frigates.

ART. VI.—But as it may happen (considering the distance of several of the possessions of the two high contracting parties) that the advantages, which ought to result to them reciprocally from the conclusion of the present treaty, may become illusory, unless measures can be taken for the mutual defence of those possessions, before their respective governors could receive orders from Europe for that purpose; it is stipulated and agreed, that in case either of them should be hostilely attacked, or even menaced with an hostile attack, in its possessions, whether in Africa or in Asia, by any European power, the governors of their settlements, in those parts of the world, shall be enjoined to concert together the succour to be furnished, and, in case of need, to furnish such succours, in the most speedy and effectual manner, to the party attacked; and that orders to that effect shall be expedited to the said governors immediately after the conclusion of the present treaty: and in case the two high contracting parties should be obliged to furnish the aforesaid succours, they shall not permit the ships of war, of what nature they may be, of the power attacking, to enter into any of their ports in the aforesaid settlements until peace shall be restored between the party attacking, and the ally of the contracting party, unless the said vessels be forced to take refuge there, to avoid perishing, or being shipwrecked.

ART. VII.—If it should happen, that the two high contracting parties shall be equally involved in a war against a common enemy, they reciprocally promise each

other not to disarm but by common consent; and they shall communicate to each other, confidentially, the proposals for a peace, or truce, which may be made.

ART. VIII.—If the high contracting parties prefer furnishing their succours of troops in money, they shall be at liberty on each side so to do; and then such succour shall be computed at one hundred thousand florins, Dutch currency, per annum, for one thousand infantry, and at one hundred and twenty thousand florins, of like value, for one thousand cavalry, per annum, and in the same proportion by the month.

ART. IX.—The power requiring shall be obliged, whether the ships, frigates, and troops with which it shall have been furnished, remain for a long or short time in its ports, to provide whatever they may want at the same price as if they belonged to such power itself. It has been agreed, that the said troops, or ships, shall not in any case be at the expence of the party requiring, but that they shall nevertheless remain at its disposal, during the whole continuance of the war in which it shall be engaged. The succours above mentioned shall, with respect to discipline, be ~~subject~~ to the orders of the chief officer who commands them; and they shall not ~~be employed~~ separately, or otherwise than in concert with the said commanding officer: with regard to the operations, they shall be wholly subject to the orders of the commander in chief of the power requiring.

ART. X.—It is agreed, that until the two powers conclude a treaty of commerce with each other, the subjects of the republic shall be treated, in the kingdoms of Great Britain and Ireland, as the most favoured nation: and the same shall be observed in the United Provinces towards the subjects of his Britannic Majesty.—It is however, to be understood, that this article is not to extend to a diminution of the import duties payable upon linens.

ART. XI.—Whereas by the fourth article of the treaty of peace, signed in the month of June, 1784, his Britannic Majesty engaged to treat with the Lords the States-General for the restitution of Negapatnam, with its dependencies, in case the said Lords the States-General should in future have any equivalent to give; and whereas their High Mightinesses have now renewed their request for obtaining that restitution, as well as settling and determining precisely the sense of the ~~sixth~~ article of that treaty, concerning the navigation of British subjects in the Eastern Seas; his Britannic Majesty, in order to manifest his good will towards the republic, is disposed to concur in these desires of their High Mightinesses, and even to secure to the republic additional and real commercial advantages in that part of the world, as soon as an equivalent for those objects can be agreed upon: in return for which his Britannic Majesty will require nothing but what is favourable to the reciprocal interests and security of the contracting parties in the Indies: and, to prevent the negotiations for such arrangements from retarding the conclusion of the present treaty, it is agreed that they shall be begun as soon as possible, and be concluded in the space of six months from the date of the present treaty; and that the convention to be made thereon shall have the same force as if it ~~was~~ inserted in the treaty.

ART. XII.—The present treaty shall be ratified on each side, and the exchange, or ratifications, shall be made in the space of six weeks, or sooner if it can be done.

Done at the Hague, the fifteenth of April, one thousand seven hundred and eighty-eight.

(L. S.) JAMES HARRIS.

(L. S.) J. W. CONTE DE WELDREN.

(L. S.) W. F. H. VAN WASSENAER.

(L. S.) L. P. VAN DE SPIEGEL.

(L. S.) GUILLAUME DE CITTERS.

(L. S.) W. N. PESTERS.

(L. S.) CHARLES BIGOT.

(L. S.) M. B. C. VAN VIERST VAN BORGEL.

APPENDIX D.

Copy of the Treaty of Defensive Alliance, between his Majesty the King of Great Britain, and his Majesty the King of Prussia.*

THEIR Majesties the King of Great Britain, and the King of Prussia, being animated with a sincere and equal desire to improve and consolidate the strict union and friendship which, having been transmitted to them by their ancestors, so happily subsist between them, and to concert the most proper measures for securing their mutual interests, and the general tranquillity of Europe, have resolved to renew and strengthen these ties by a treaty of defensive alliance; and they have authorized for this purpose (to wit) his Majesty the King of Great Britain, the Sieur Joseph Ewart, his Envoy Extraordinary at the Court of Berlin; and his Majesty the King of Prussia, the Sieur Ewald Frederick Count de Hertzberg, his Minister of State, and of the Cabinet, Knight of the Order of the Black Eagle; who, after reciprocally communicating their full powers to each other, have agreed upon the following articles:

ART. I.—There shall be a perpetual, firm, and unalterable friendship, defensive alliance, and strict and inviolable union, together with an intimate and perfect harmony and correspondence, between the said most serene Kings of Great Britain and Prussia, their heirs and successors, and their respective kingdoms, dominions, provinces, countries, and subjects, which shall be carefully maintained and cultivated, so that the contracting powers shall constantly employ, as well their utmost attention as also those means which Providence has put in their power, for preserving at the same time the public tranquillity and security, for maintaining their common interests, and for their mutual defence and guaranty against every hostile attack; the whole in conformity to the treaties already subsisting between the two high contracting parties, which shall remain in full force and vigour, and shall be deemed to be renewed by the present treaty, as far as the same shall not be derogated from, with their own consent, by posterior treaties, or by the present treaty.

ART. II.—In consequence of the engagement contracted by the preceding article, the two high contracting parties shall always act in concert for the maintenance of peace and

* The provisional treaty upon which this was grounded, at Loo, by the Sieur P. C. de'Alvensleben, on the part of his Prussian Majesty, and Sir James Harris, now Lord Malmesbury, on behalf of his Britannic Majesty, on June 15th, 1788.

tranquillity; and in case either of them should be threatened with a hostile attack by any power whatever, the other shall employ his most efficacious good offices for preventing hostilities, for procuring satisfaction to the injured party, and for effecting an accommodation in a conciliatory manner.

ART. III.—But if those good offices should not have the desired effect, in the space of two months, and either of the two high contracting parties should be hostilely attacked, molested, or disturbed, in any of his dominions, rights, possessions, or interests, or in any manner whatever, by sea or land, by any European power, the other contracting party engages to succour his ally without delay, in order to maintain each other reciprocally in the possession of all the dominions, territories, towns, and places, which belonged to them before the commencement of such hostilities: for which end, if his Prussian Majesty should happen to be attacked, his Majesty the King of Great Britain shall furnish to his Majesty the King of Prussia a succour of sixteen thousand infantry, and four thousand cavalry; and if his Britannic Majesty should happen to be attacked, his Majesty the King of Prussia shall likewise furnish to him succour of sixteen thousand infantry, and four thousand cavalry; which respective succours shall be furnished in the space of two months after requisition made by the party attacked, and shall remain at his disposal during the whole continuance of the war in which he shall be engaged. These succours shall be paid and maintained by the required power, wherever his ally shall employ them; but the requiring party shall supply them, in his dominions, with such bread and forage as may be necessary, upon the footing to which his own troops are accustomed.

It is nevertheless agreed between the high contracting parties, that if his Britannic Majesty should be in the case of receiving the succour in troops from his Prussian Majesty, his Britannic Majesty shall not employ them out of Europe, nor even in the garrison of Gibraltar.

If the injured and requiring party should prefer succours in money to land forces, he shall have his choice; and, in case of the two high contracting parties furnishing to each other the stipulated succours in money, such succours shall be computed at one hundred thousand florins, Dutch currency, per annum, for one thousand infantry, and at one hundred and twenty thousand florins, of the like value, for one thousand cavalry, per annum, or in the same proportion by the month.

ART. IV.—In case the stipulated succours should not be sufficient for the defence of the requiring power, the required power shall augment them, according to the exigency of the case, and shall assist the former with his whole force, if circumstances shall render it necessary.

ART. V.—The high contracting parties hereby renew, in the most express terms, the provisional treaty of defensive alliance, which they concluded at Loo, on the 13th of June, in the present year, and they again engage and promise to act, at all times, in concert, and with mutual confidence, for maintaining the security, independence, and government of

the republic of the United Provinces, conformably to the engagements which they have lately contracted with the said republic; that is to say, his Britannic Majesty, by a treaty concluded at the Hague, on the 15th of April, 1788, and his Prussian Majesty, by a treaty signed the same day at Berlin, which the said high contracting parties have communicated to each other.

And if it shall happen that, by virtue of the stipulations of the said treaties, the high contracting parties should be obliged to augment the succours to be given to the States-General, above the numbers specified in the said treaties, or to assist them with their whole force, the said high contracting parties will concert together upon all that may be necessary relative to such an augmentation of succours to be agreed on, and to the employment of their respective forces for the security and defence of the said republic.

In case either of the said high contracting parties should, at any time hereafter, be attacked, molested, or disturbed, in any of his dominions, rights, possessions, or interests, in any manner whatever, by sea or by land, by any other power, in consequence and in hatred of the articles or stipulations contained in the said treaties, or of the measures to be taken by the said contracting parties respectively, in virtue of these treaties, the other contracting party engages to succour and assist him against such attack, in the same manner, and by the same succours, as are stipulated in the 3d and 4th articles of the present treaty; and the said contracting parties promise, in all similar cases, to maintain and guaranty each other in the possession of all the dominions, towns, and places, which belonged to them respectively before the commencement of such hostilities.

ART. VI.—The present treaty of defensive alliance shall be ratified by each party, and the ratification shall be exchanged in the space of six weeks, or sooner, if it can be done.

In witness whereof; we, the under-written, being authorized by the full powers of their Majesties, the Kings of Great Britain and of Prussia, have, in their names, signed the present treaty, and have thereto set the seals of our arms.

Done at Berlin, the thirteenth of August, in the year of our Lord, one thousand seven hundred and eighty-eight.

(L. S.) JOSEPH EWART.

(L. S.) EWALD FREDERIC COMTE DE HERTZBERG.

APPENDIX A.

THE importance of the question, which was the subject of the preceding debate, and the various sentiments which are entertained respecting the propriety or impropriety of the motion of the Chancellor of the Exchequer, which gave rise to it, affords reason to suppose, that the following list of the members, who voted on each side, cannot but be acceptable to the reader.

A CORRECT LIST OF THE SEVERAL MEMBERS, WITH THE PLACES THEY REPRESENT, WHO SUPPORTED OR NEGATIVED MR. PITT'S MOTION, BY VOTING FOR, OR AGAINST, THE PREVIOUS QUESTION MOVED BY LORD NORTH.

London, ALDERMAN WATSON in the Chair.

AGAINST the Previous Question. | FOR the Previous Question.

Abingdon.

| E. L. Loveden, Esq.

Agmondesham.

William Drake, Jun. Esq. |

St. Alban's.

William Grimston, Esq. | Wm. Charles Sloper, Esq.

Aldborough, Suffolk.

| P. C. Crespigny, Esq.
| Samuel Salt, Esq.

Aldborough, Yorkshire.

Sir Richard Pepper Arden. |
J. Galley Knight, Esq. |

Andover.

William Fellowes, Esq. |
Benjamin Letheuillier, Esq. |

Anglesea.

Nicholas Bayley, Esq.

Appleby.

Hon. J. L. Gower |

AGAINST the Previous Question. | FOR the Previous Question.

Arundel.

Thomas Fitzherbert, Esq.
Richard Beckford, Esq.

Ashburton.

Robert Mackreth, Esq. |

Aylesbury.

Sir Thomas Halifax. | William Wrightson, Esq.

Barnstaple.

William Devaynes, Esq. | John Cleveland, Esq.

Bath.

Lord Viscount Bayham. | Abel Moysey, Esq.

Beaumaris.

Sir Hugh Williams, Bart. |

Bedfordshire.

| Earl of Upper Ossory.
| Hon. St. Andrew St. John.

Bedford.

Samel Whitbread, Esq. | William Coulhoun, Esq.

Bedwin.

Marquis of Graham. |
Lieutenant-Col. Manners. |

Beralston.

| Lord Viscount Fielding.

Berkshire.

George Vansittart, Esq.
Henry James Pye, Esq.

Berwick.

| Hon. General Vaughan.
| Sir Gilbert Elliot, Bart.

Beverly.

Sir James Pennyman, Bart. |

Bewdley.

Lord Westcote. |

Bishop's Castle.

| William Clive, Esq.
| Henry Strachey, Esq.

Blechingly.

John Kenrick, Esq.
Sir Robert Clayton, Bart.

AGAINST the Previous Question. | FOR the Previous Question.

Bodmin.

| Sir Thomas Morshead, Bart.
| Thomas Hunt, Esq.

Boroughbridge.

Sir Richard Sutton, Bart. | Viscount Palmerston.

Bossiney.

Matthew Montagu, Esq. |
Hon. Charles Stuart.

Boston.

| Sir Peter Burrel.

Brackley.

Col. Egerton. |
Timothy Caswall, Esq.

Bramber.

Sir H. G. Calthorpe, Bart. |
Major Hobart.

Breconshire.

| Sir Charles Gould.

Brecon.

| Charles Gould, Esq.

Bridgenorth.

J. H. Browne, Esq. | Thomas Whitmore, Esq.

Bridgewater.

Sir Alexander Hood, K. B. |
Robert Thornton, Esq.

Bridport.

| Thomas Scott, Esq.
| Charles Sturt, Esq.

Bristol.

Matthew Brickdale, Esq. |

Buckinghamshire.

Rt. Hon. W. W. Grenville. |

Buckingham.

Edmund Nugent, Esq. |

Callington.

John Call, Esq. |

Calne.

Joseph Jekyll, Esq. |

Cambridgeshire.

Philip Yorke, Esq. |

AGAINST the Previous Question. | FOR the Previous Question.

Cambridge University.

Right Hon. William Pitt.
 Earl of Euston.

Cambridge, town of

Francis Dickens, Esq. |

Camelford.

| James Macpherson, Esq.
 | Sir Samuel Hannay, Bart.

Canterbury.

George Gipps, Esq.
 Charles Robinson, Esq.

Cardif

| Sir H. Mackworth, Bart.

Cardiganshire.

| Earl of Lisburne.

Cardigan.

| John Campbell, Esq.

Carlisle.

John Christian, Esq. | Rowland Stephenson, Esq.

Caermarthen.

| John G. Phillips, Esq.

Castle-Rising.

Walter Sneyd, Esq.
 Charles Boone, Esq.

Cheshire.

Sir R. S. Cotton, Bart. | John Crewe, Esq.

Chester.

Thomas Grosvenor, Esq.
 R. W. Bootle, Esq.

Christchurch.

Sir John Frederick, Bart.
 Hans Sloane, Esq.

Chichester.

George W. Thomas, Esq. |

Chippenham.

George Fludyer, Esq. | James Dawkins, Esq.

Cirencester.

Lord Appsley.
 Richard Master, Esq.

Clitheroe.

Thomas Lister, Esq.
 John Lee, Esq.

AGAINST *the Previous Question.* | FOR *the Previous Question.**Cockermouth.*

	J. Clarke Satterthwaite, Esq.
	Humphrey Stenhouse, Esq.

Colchester.

	Sir Robert Smith, Bart.
--	-------------------------

Corff Castle.

John Bond, jun. Esq.	
Henry Bankes, Esq.	

Cornwall.

Sir William Lemon, Bart.		Sir Wm. Molesworth, Bart.
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Coventry.

Sir Sampson Gideon, Bart.	
John Wilmot, Esq.	

Cricklade.

Robert Nicholas, Esq.		John Walker Heneage, Esq.
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Cumberland.

	Sir Henry Fletcher, Bart.
	William Lowther, Esq.

Dartmouth.

Richard Hopkins, Esq.	
-----------------------	--

Denbighshire.

	Sir W. W. Wynne, Bart.
--	------------------------

Denbigh.

	Richard Middleton, Esq.
--	-------------------------

Derbyshire.

	Lord George Cavendish.
	Edward M. Mundo, Esq.

Derby.

	Lord G. A. H. Cavendish.
	Edward Coke, Esq.

Devonshire.

John Rolle, Esq.		John Pol. Bastard, Esq.
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Dorsetshire.

Francis John Browne, Esq.	
---------------------------	--

Dorchester.

	Hon. George Damer.
	William Ewer, Esq.

Dover.

Robert Preston, Esq.	
----------------------	--

Downton.

Robert Shaftoe, Esq.		Hon. W. 'S. Conway.
----------------------	--	---------------------

AGAINST the Previous Question. | FOR the Previous Question.

Droitwich.

| Hon. Andrew Foley.
| Edward Winnington, Esq.

Dunwich.

Barne Barne, Esq. | Sir G. W. Vanneck, Bart.

Durham, county of

| Sir John Eden, Bart.

Durham.

John Tempest, Esq.
Wm. Henry Lambton, Esq.

East Looc.

Alexander Irvine, Esq.
Lord Viscount Belgrave.

St. Edmund's Bury.

Lord Charles Fitzroy. | Sir Charles Davers, Bart.

Essex.

Thomas B. Bramston, Esq. |

Evesham.

Sir John Rushout, Bart.
Charles W. B. Rouse, Esq.

Exeter.

John Baring, Esq. | Sir C. W. Bamfylde, Bart.

Eye.

General Phillipson.
Major General Bathurst. |

Flintshire.

| Sir Roger Mostyn, Bart.

Flint.

Major W. Williams. |

Fowey.

Philip Rashley, Esq.
Hon. Richard Edgecumbe.

Gatton.

James Fraser, Esq. |

St. Germain's.

John James Hamilton, Esq.
Samuel Smith, Esq.

Glamorganshire.

Charles Edwin, Esq. |

AGAINST *the Previous Question.* FOR *the Previous Question.**Gloucestershire.*

Hon. Capt. Berkeley.
Thomas Master, Esq.

Gloucester.

| John Webb, Esq.

Grampound.

Francis Baring, Esq.

Grantham.

George Sutton, Esq.

East Grimsby.

| John Harrison, Esq.
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